DISCOURSES

CONCERNING

GOVERNMENT;

BY

ALGERNON SIDNEY,

Son to ROBERT Earl of LEICESTER,

AND

Ambaſſador from the Commonwealth of ENGLAND to CHARLES GUSTAVUS King of SWEDEN.

Publiſhed from an Original Manuſcript of the AUTHOR.

To which is added,

A Short ACCOUNT of the AUTHOR's LIFE.

And a COPIOUS INDEX.

IN TWO VOLUMES.

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THE

PREFACE.

HOW highly the writings of wiſe and good men concerning Government, have been eſteemed in all ages, the teſtimony of hiſtory, and the preſervation of ſo many books compoſed by the Ancients on that ſubject, do ſufficiently manifeſt. And it may be truly ſaid, that unleſs men have utterly abandoned themſelves to all that is deteſtable, they have ſeldom attempted to detract from the worth of the aſſertors of liberty, though ambition, and other paſſions, have influenced them to act in oppoſition to it. When Auguſtus had ſurpriſed a young Roman, who was related to him, reading a political diſcourſe of Cicero, he commended his judgment in that choice. The Hiſtory of France, written by the Preſident de Thou, with a ſpirit of freedom that might have been worthy of thoſe who had lived before the violation of their li-

berty, has been ſo generally valued by men of all ranks in that nation, that it is hard to find a book on any important ſubject which has had ſo many editions. And the juſt eſteem that the emperor Charles the fifth made of the Memoirs of Philip de Commines (though that author has given many inſtances of his deteſtation of tyranny) may be enough to put this matter out of diſpute. But if all other proof were wanting, the implacable hatred, and unwearied induſtry of the worſt of men to ſuppreſs ſuch writings, would abundantly teſtify their excellency.

That nations ſhould be well informed of their rights, is of the moſt abſolute neceſſity: becauſe the happineſs or infelicity of any people entirely depends upon the enjoyment or deprivation of liberty; which is ſo invincibly proved in the following Diſcourſes, that to endeavour to make it more clear, would be an unpardonable preſumption.

If any man think the publication of this Work to be unſeaſonable at this time, he is deſired to conſider, that as men expect good laws only from a good government, ſo the reign

reign of a prince, whoſe title is founded upon the principle of liberty, which is here defended, cannot but be the moſt proper, if not the only time to inform the people of their juſt rights, that, from a due ſenſe of their ineſtimable value, they may be encouraged to aſſert them againſt the attempts of ill men in time to come.

'Tis not neceſſary to ſay any thing concerning the perſon of the Author. He was ſo well known in the world, ſo univerſally eſteemed by thoſe who knew how to ſet a juſt value upon true merit, and will appear ſo admirable in the following Diſcourſes, as not to ſtand in need of a flattering Panegyric. But it may not be amiſs to ſay ſomething of the Diſcourſes now publiſhed.

The paper delivered to the ſheriffs immediately before his death informs us, that he had left a large and a leſſer treatiſe written againſt the principles contained in Filmer's book; and that a ſmall part of the leſſer treatiſe had been produced for evidence againſt him at his trial. 'Tis there alſo ſaid, that the leſſer treatiſe neither was, nor probably ever ſhould have been finiſhed. This therefore is the large work mentioned in that paper, and

not the leſſer, upon part of which the wicked ſentence pronounced, and executed againſt him, was grounded.

It remains only to add a few words for ſatisfaction of the public, that theſe Diſcourſes are genuine. And here I ſhall not need to ſay, that they were put into the hands of a perſon of eminent quality and integrity by the Author himſelf; and that the original is, in the judgment of thoſe who knew him beſt, all written by his own hand: His inimitable manner of treating this noble ſubject, is inſtead of a thouſand demonſtrations, that the Work can belong to no other than the Great Man whoſe name it bears.

A SHORT

A SHORT ACCOUNT OF THE LIFE OF *ALGERNON SIDNEY.*

ALGERNON SIDNEY, to whom the world is indebted for the following DISCOURSES ON GOVERNMENT, was of noble extract. His father was Robert earl of Leiceſter, who, in the year 1618, married lady Dorothy Piercy, eldeſt daughter of that illuſtrious peer, Henry earl of Northumberland. By her the earl had fifteen children; ſix ſons, and nine daughters. Of his ſons, two died before they came to maturity. Of the other four our Author was the ſecond, and was born about the year 1622. The earl his father was a man of excellent parts, and of great learning. He was admired in the houſe of commons for his abilities; and the curious obſervations he made of men and of manners, which are ſtill preſerved, ſhew his uncommon capacity and diſcernment. 'Tis not to be wondered at therefore, that, at a very early period, he ſhould be ſo careful to make his ſon ALGERNON acquainted with literature, and to give him a polite and liberal education.

In 1632, he was appointed ambaſſador extraordinary to the king of Denmark. This embaſſy was occaſioned by the death of Sophia queen dowager of that kingdom, and grandmother to king Charles I. Though our Author was at that time only ten years of age, yet his father, who already obſerved in ALGERNON great appearances of a fine genius, took him along with him into Denmark, together with Philip his elder brother, that he might have them under his own inſpection, and enjoy the pleaſure of ſeeing their

gradual improvement in knowledge and virtue. However, the earl ſtaid a very ſhort time abroad; for having diſpatched the buſineſs for which he was ſent, he returned with his pupils into England in leſs than three months.

It can hardly be imagined, that, from ſuch a quick jaunt, ALGERNON could reap much advantage; in ſuch tender years, his mind could not be enough diſciplined and enlarged, to receive moral or political inſtruction. However, as imitation is ſo natural to the tendereſt years, and has ſuch a powerful energy on minds of every character, the example of ſuch a man as the earl muſt have been of vaſt ſervice to him. His lordſhip was not like many modern travellers, who go abroad merely to gaze on objects they never ſaw before, or perhaps to learn the rudiments of a language, which, in polite company, it is thought a reproach to want; but made it his buſineſs to obſerve the manners of the nation where he reſided, and to become acquainted with their political conſtitution, and with the characters of the king and the court *. Theſe obſervations he ſtrongly inculcated into his ſons. And that we ſhall find was a happy circumſtance for ALGERNON, when we conſider to what ſubject he afterwards applied his thoughts.

Not long after this, the earl was ſent once more abroad. In May, 1636, he went by the king's orders into France, in quality of ambaſſador extraordinary: and thither alſo he carried ALGERNON and his brother along with him. By this time he had conceived great hopes of our Author's capacity, and had reſolved to loſe no opportunity of improving and enlarging it. Though we may eaſily ſuppoſe his time muſt be moſtly employed in tranſacting public buſineſs, and managing the intereſts of the nation in theſe tickliſh times; yet ſuch was the earl's diligence and activity, that he ſeemed to take as much pains in the education of his ſons, as if nothing elſe had demanded his concern. To that important office he devoted his leiſure with the greateſt pleaſure, with the moſt eager application. And the conſequences demonſtrate, that his labour was not in vain. It was a lucky circumſtance for our Author, that the earl reſided in France for a conſiderable time. ALGERNON's mind was then beginning to unfold itſelf; it was ripening by degrees, and growing more ſuſceptible of inſtruction. The force of the earl's arguments could then be underſtood, and the juſtneſs of his obſervations attended to †. And

* The earl hath left us a very accurate account of his negotiations in Denmark, and of the national character of that country; which informs us of the ſtrange rudeneſs, and uncivilized manners, which at that time prevailed in Denmark.

† The earl alſo wrote a journal of his embaſſy in France, and embelliſhed it with many obſervations of the king, and of the manners which prevailed at court.

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'tis certain, that Mr. SIDNEY reaped vaſt advantages from ſuch a wiſe and judicious diſcipline. We find he was but a very ſhort time in France, when he firſt began to diſtinguiſh himſelf. The ſprightlineſs and vivacity of his temper, and the goodneſs of his nature, were ſo remarkable, that they gained him univerſal eſteem. Not above ſix months after he had left England, the counteſs his mother wrote a letter to the earl at Paris, (dated November 10th, 1636.) in which, among other things, ſhe ſays concerning ALGERNON; "I hear him much commended by all that come from "thence, for a huge deal of wit, and much ſweetneſs of nature." This gave a ſort of ardor to his lordſhip, and made him doubly careful to form and finiſh thoſe natural talents, which he had long before obſerved the ſeeds of, but which ALGERNON himſelf had now diſcovered to great advantage. The exerciſe of this pleaſant diſcipline the earl continued all the time he was in France; and every day ALGERNON made his father happy, by giving him new ſpecimens of his improvement under it. But in the year 1639, when the melancholy and fatal differences began betwixt the Engliſh and the Scots, the king ordered the earl to leave France, and to return into England.

Our Author, at his return, was about ſeventeen years of age. He had already ſeen much of the world; and his own natural ſagacity, which was ſo much improved and directed by his father's inſtructions, rendered that experience more than commonly uſeful, and productive of genuine knowledge. The earl's unſettled way of life, after this period, made it impoſſible for him to ſuperintend ALGERNON's education with ſo much exactneſs as he had done formerly; but as ALGERNON had already made great progreſs in literature, as well as in the knowledge of mankind, and was bleſſed by nature with a ſurpriſing judgment and capacity, the hurry of public buſineſs, in which his father was now involved, was the leſs detrimental to him. He could now, by his own diligence, purſue the track which the earl had chalked out for him, and bring to perfection what had been ſo wiſely begun. Accordingly he applied himſelf eagerly to the proſecution of his ſtudies; and his application was attended with great ſucceſs. But his mind was too lively to be confined to ſpeculation alone. His ſtudies could not afford exerciſe enough to his ſprightly temper. At that time the whole kingdom was diſordered; every thing was in the utmoſt confuſion. Such a circumſtance, therefore, could not but be a ſtrong incitement to an active mind to beſtir itſelf, and to try its talents on the publick theatre. Beſides, ALGERNON, as we have ſeen, had been much abroad, and had reſided a conſiderable time at the very ſeat of political knowledge*: during which

* He had been about three years in France.

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he had ſeen his father conſtantly employed in the ſervice of the public. Theſe circumſtances, conſpiring with his own natural temper, led his thoughts much to active life, and at laſt made him determine to become an actor himſelf. And when we look back to thoſe diſmal times, we muſt ſee what a ſtrange ſcene of confuſion it was, in which our Author was to be engaged. A ſcene proper indeed to ſhew his valour in; but which, in the iſſue, proved fatal to him.

However, Mr. Sidney, prompted by his nature and ſo many inviting circumſtances, appears upon the public ſtage; and, making choice of the field as his theatre of action, he immediately got a commiſſion for a troop of horſe. At this time, the Iriſh rebellion broke out. Upon which, the king, who was then in Scotland, attempting to compoſe the differences which had happened betwixt the two nations, returned into England, to concert with the parliament what was to be done, in order to ſuppreſs it. Forces were immediately ſent into Ireland, of which the earl of Leiceſter was made lord lieutenant: and Algernon, with his brother the lord L'Iſle, went over along with them; his lordſhip in the quality of colonel of a regiment of horſe, and our Author, of captain in the ſame regiment. As Algernon was a man of moſt extraordinary courage and reſolution, he ſoon ſignalized himſelf in that new ſcene of life, and drew univerſal attention. He behaved with uncommon gallantry; and the important ſervices he did his maſter, gained him a ſhining reputation for military virtue.

By this time the troubles of the nation had grown to a prodigious height. The royal ſtandard was ſet up at Nottingham on the 22d of Auguſt, 1642. The parliament too had raiſed guards of their own, and both parties were preparing themſelves for war. Unhappy ſtate for Britain! when her guardians, at variance with each other, were ready to tear one another to pieces, and none could either give or receive a wound but at her expence. In this diſmal ſituation of affairs, the king ordered Algernon, on his allegiance, to leave Ireland, and come to Oxford. Accordingly, Mr. Sidney obtained a licence from the lord lieutenant his father, dated at Oxford the 22d of June, 1643, and returned to England. But the parliament having received notice of his arrival, ſent immediately into Lancaſhire, where he had landed, and ordered him to be taken into cuſtody, and brought to London. At this the king expreſſed a great deal of reſentment; imagining that Mr. Sidney's being ſeized was entirely owing to his own management, and was only a feint intended to cover his ſecret colluſion with the parliament. But for this ſuſpicion there was not the leaſt foundation; and his joining afterwards with the parliament,

ment, may eaſily be accounted for from other conſiderations, without doing ſuch an injury to his character. His honeſty and undaunted courage equally conſpired to render him incapable of ſuch a ſilly artifice. Captain SIDNEY was now twenty-one years of age. His judgment was already ripe, and he could diſcern the juſtneſs of thoſe obſervations his father had made of the political conſtitutions of the different countries he had ſeen. He now had a diſtinct view of the ſtate of the different parties in Britain; and obſerved, that the nation was ready to be torn in pieces betwixt them. Abſolute monarchy and democracy were engaged againſt each other; and ſuch was the diſorder, that anarchy was like to be the reſult of the contention. His heart was too warm in his country's favour, to allow him to be an idle ſpectator; and that he then adhered to the intereſt of the parliament, no body can wonder, if he has ever read his DISCOURSES ON GOVERNMENT.—The parliament took him into their ſervice, and ordered 2000 l. to be paid him for his arrears. On the 10th of May, 1644, the earl of Mancheſter, who was ſerjeant-major-general of ſeveral counties in England, gave him the command of a troop of horſe in his own regiment; in which ſtation he behaved ſo well, that, on the 2d of April next year, he was appointed colonel of a regiment of horſe by Sir Thomas Fairfax, commander in chief of the forces raiſed for the defence of the kingdom. In this quality he ſtill continued to acquire freſh reputation. He was in the battle of York, and ſeveral others; in all which his bravery and good conduct were equally remarkable; and he had, for ſome time, the government of Chicheſter.

Soon after this he was employed in the expedition deſtined for Ireland; and, for his ſignal ſervices there, he obtained the government of Dublin. But as the dignity and luſtre, which attends military virtue, is ſeldom ſeen without envy, the diſcontent of ſome little ſouls, who wiſhed to poſſeſs colonel SIDNEY's place, ſoon began to diſcover itſelf. Theſe men formed a party in the houſe of commons, and, taking advantage of the thinneſs of the houſe, got it moved one day by the recorder, that colonel Jones ſhould be made governor in chief. Thoſe of the houſe, who were not of the party, ſtrenuouſly oppoſed the motion, as it was a piece of the greateſt ungenerosity and injuſtice to ſuch diſtinguiſhed merit. But party-ſpirit prevailed. Jones, who had been Mr. SIDNEY's deputy, was promoted to the government; and it was given out, that Dublin was a place of too much importance for colonel SIDNEY's management. However, the houſe of commons were ſo ſenſible of ALGERNON's merit, that, on the 7th of May, 1647, without oppoſition, they voted him their thanks for his excellent ſervices in Ireland; and ſome time after made him governor of Dover.

Dover. The king was then in cuſtody. A ſeries of misfortunes had attended him, and he was immediately to be brought to his trial. Strange inſtability of human grandeur! A prince ſo lately at the head of three kingdoms, at laſt reduced to ſubmit to the laws of thoſe to whom he thought himſelf born to preſcribe them. Colonel Sidney was nominated one of the judges to aſſiſt at the king's trial; but he declined the diſagreeable office, and did not ſit among them.

After the king's death, when Cromwell had aſſumed the government, Mr. Sidney refuſed to act in his ſervice. His principles naturally led him to oppoſe Oliver's ſchemes; nothing being more directly contrary to a republican ſpirit than uſurpation. During the protectorſhip therefore of Cromwell, and his ſon Richard, he retired from public view, and lived in a private manner at Penſhurſt; where he devoted his time wholly to ſtudy and reflection. And 'tis to that retirement we owe the following Discourses. 'Tis certain no man ever ſtudied the nature of government with greater accuracy than our Author. He was perfectly acquainted with its hiſtory in all its branches, and had penetrated into the bottom of every ſubject upon which it had the leaſt dependance. Nature had favoured him with a ſolid judgment, and a moſt comprehenſive underſtanding; and he was peculiarly happy in a ſtrong, nervous, and maſterly ſtile. Nor was he leſs indebted to his education than to nature. It has been already obſerved how early he went abroad, and under how able and careful a tutor. So that it is hard to determine which were the happieſt, the father in having ſuch a ſon, or the ſon in enjoying ſuch a father.

Theſe happy circumſtances could not fail to turn Mr. Sidney's mind to the ſtudy of government, and to make him a maſter in politicks. He was alſo engaged in the buſy ſcene. There he could copy from real life, and determine the juſtneſs of his obſervations. Beſides, he came upon the ſtage at a period the moſt favourable for attaining political knowledge. The kingdom was rent into factions of every denomination. There is not a poſſible form of government, which at that time had not a number of partiſans. Every maſque was thrown off; each party was expoſed to public view, avowed its peculiar principles, and tried to act upon theſe principles as far as the others would permit them. This was a very curious, though a very melancholy, proſpect to ſo great a man as Mr. Sidney. He accurately obſerved the uncommon ſcene, and nicely examined the nature of the contending parties. He weighed the principles maintained on all ſides, traced them to their reſpective ſources, and carefully marked their tendency.

dency. Mr. SIDNEY had lately ſeen too the PATRIARCHA * of Sir Robert Filmer; the abſurdities of which ſuggeſted new reflections to his mind, and made him attend to the nature and foundation of civil conſtitutions with ſtill greater accuracy. What the reſult of all theſe advantages was, let his DISCOURSES ON GOVERNMENT witneſs. Diſcourſes which are above flattery, and need only be read to be univerſally admired. As a writer on that ſubject, he has outdone all who went before him, his DISCOURSES being the moſt perfect and comprehenſive of the kind, which have ever appeared. They are an honour to ALGERNON SIDNEY, and to the Britiſh nation. 'Tis with juſtice therefore, that an Author obſerves †, that he ſhould infinitely regret the loſs of Cicero's ſix books DE REPUBLICA, "as men of "ſenſe and probity have done formerly, were it not for the in-"comparable DISCOURSES CONCERNING GOVERNMENT, "which that wiſe, learned, and noble gentleman, ALGERNON "SIDNEY, hath left us." As the higheſt praiſe can neither add any thing to the Author's merit, nor repreſent him in a greater or more amiable light than his own writings do, 'tis needleſs to add any thing more on this ſubject. Let it ſuffice to ſay, that while learning, liberty, and good ſenſe, attract the regard of mankind, our Author will be eſteemed; and if ever theſe ceaſe to be admired, it will be an honour to ALGERNON SIDNEY to fall into contempt. There are at Penſhurſt, in his own hand-writing, ſeveral treatiſes in Latin and Italian, and an ESSAY, in Engliſh, on the ſubject of VIRTUOUS LOVE. Were they publiſhed, we might ſee other ſpecimens of our Author's genius.

While Mr. SIDNEY was thus uſefully employed in his retirement, Richard reſigned his protectorſhip. Whereupon the parliament, which had been diſſolved by Cromwell, were again brought together, and the commonwealth once more ſet up. On the 7th of May, 1659, they voted a declaration to ſecure the liberty and property of the people, with regard both to their civil and religious intereſts, without either king or houſe of peers. 'Tis needleſs to obſerve, under what different ſhapes the government of England then appeared. The ſevere convulſions, which ſo lately ſhattered the nation, had not yet loſt their ſtrength. The ſtate was ſtill in a diſordered and fluctuating condition. Such was the

* "A book ſo poorly writ, ſays biſhop Burnet, that it is ſtrange SIDNEY "beſtowed ſo much pains in anſwering it." But if Sir Robert Filmer's doctrine, however abſurd, was at that time adopted by a great number of perſons of every character, it needs not ſeem ſtrange, that our Author thought it worth his while to diſprove it: and that it was much adopted, we need no other evidence than his dying for oppoſing it.

† Free Thoughts in Defence of a Future State, &c. publiſhed at London, in 8vo, in the year 1700.

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ſituation of the kingdom when ALGERNON once more appeared in public, and came into the parliament's meaſures. On the 13th of May he was nominated one of the council of ſtate, and, about a month after, was appointed to go as commiſſioner to the Sound, to mediate a peace between the kings of Sweden and Denmark. Sir Robert Honeywood and Bulſtrode Whitelocke, Eſq; were nominated along with him. But Whitelocke, having been formerly ambaſſador extraordinary at Sweden alone, could not digeſt being joined with thoſe who would expect precedency of him; and knowing the firmneſs and reſolution of SIDNEY's temper, he declined the ſervice. So Mr. SIDNEY and Sir Robert undertook the embaſſy. While ALGERNON was in Denmark, he made himſelf maſter of the policy of the northern nations, and improved the knowledge which he had formerly imbibed from his father. His letters to the earl contain an exact account of all his negotiations there; and the political views, which then governed the court of Denmark, he unfolded in a very clear and maſterly manner. Agreeably to a cuſtom which prevailed at Denmark*, colonel SIDNEY wrote in the book of motto's, which lay in the king's library, the following verſe:

Manus hæc inimica tyrannis
Enſe petit placidam ſub libertate quietem.

This verſe Monſieur Terlon the French ambaſſador tore out of the book. Lord Moleſworth, in the preface to his ACCOUNT OF DENMARK, obſerves that Mr. Terlon himſelf underſtood not a word of Latin; but having learned from others what was the meaning of the ſentence, he conſidered it as a libel upon the French government, and upon that which was then getting foot in Denmark by French aſſiſtance and example. While ALGERNON was on his embaſſy, the reſtoration of Charles II. was in agitation, and when it was at laſt effected, he was adviſed to remain abroad, till his attachments to the commonwealth might be forgot; for at that time they were remembered with the higheſt reſentment †.

This was no ſmall inconvenience to Mr. SIDNEY; for, by that means, he was a ſufferer in his private fortune, which he had left much embarraſſed. But he bore the hardſhip with a manly ſpirit; and the letters he wrote to his Father during his baniſhment, ſhew a noble contempt of worldly advantages. In one re-

* Every noble ſtranger who came to Denmark, was allowed to write a motto or verſe in the King's book of motto's.

† King Charles could not be prevailed with to permit his return till ſeventeen years after.

ſpect, however, this misfortune of our Author's was a real benefit to him, as it afforded him an opportunity of enlarging his knowledge, by laying him under a neceſſity of viſiting foreign courts. The firſt tour he made was through Germany to Bruſſels, where he reſided for a conſiderable time; and from thence he went into France, where he got a licence from the French king to go to Montpellier*. He then travelled into Italy, and having reached Rome, he remained there till his return. His travels through Germany and France are wrote with great ſpirit, and enlivened with a number of pieces of hiſtory, with characters of great men, and with beautiful deſcriptions of all kinds. As he was ever unwearied in the purſuit of knowledge, eſpecially that of human nature, he was always careful to make himſelf maſter of the cuſtoms, manners, conſtitution and policy of the kingdoms through which he paſſed, before he left them; whereby he became the moſt accompliſhed man of his time. Rome ſupplied him with numberleſs materials for his improvement in learning and knowledge; and there never was a man who knew how to make uſe of them to greater advantage. All his obſervations there he committed to writing; and the characters he has drawn of the cardinals, and other perſons of diſtinction, ſhew his ſuperior ſagacity, and afford the reader a moſt curious entertainment. His father, by this time, expreſſed an earneſt deſire of ſeeing him before he died. He therefore applied to Robert earl of Sunderland, his grandſon, who was then in favour with the king, to uſe his intereſt with his majeſty, to obtain ALGERNON's return. Sunderland applied, and obtained his requeſt.

Thus was ALGERNON SIDNEY brought home to his native country, after he had been above ſeventeen years abroad; and having promiſed conſtant obedience to his majeſty, the king granted him a particular pardon. Biſhop Burnet obſerves †, that Mr. SIDNEY returned to England, "when the parliament was "preſſing the king into a war. The court of France obtained "leave for him to return. He did all he could to divert people "from that war; ſo that ſome took him for a penſioner of France. "But to thoſe to whom he durſt ſpeak freely, he ſaid he knew "it was all a juggle; that our court was in an entire confidence "with France, and had no other deſign in this ſhew of a war, "but to raiſe an army, and keep it beyond ſea till it was trained "and modelled."—After ALGERNON came home, and obſerved the ſtate of the nation, his principles would naturally prompt him to oppoſe the ſchemes of the court. This mightily exaſperated the king, and kindled a new flame of reſentment againſt him. But

* This licence was dated at Vincennes the 3d of Auguſt, 1663.

† Hiſtory of his own Times, vol. i.

SIDNEY

Sidney had too much integrity to diſſemble his ſentiments, and they were too well founded to be eaſily changed.

In 1678, about a year after he had returned home, he ſtood candidate for member of parliament for Guilford; but he was oppoſed by the court, and therefore loſt the election *. Strange proceedings were then beginning to be carried on; proceedings which were unaccountable in themſelves, and which, in the iſſue, ruined many perſons of the greateſt worth and integrity. Our Author was too remarkable to be overlooked, and had too much merit to eſcape the cenſure and calumny of thoſe times. Dr. Welwood well obſerves †, "that the ſhattered remains of Engliſh liberty were then attacked on all ſides, and ſome of the nobleſt blood in the nation was offered up a ſacrifice to the manes of popiſh martyrs, and made to atone for the bill of excluſion." In ſo diſmal a ſituation, ſuch a guardian of liberty as Algernon Sidney could not long eſcape deſtruction. It was already at hand; for, in 1683, he was accuſed of being concerned in the Ryehouſe plot, and, after lord Ruſſel was examined, he was next brought before the council.

It was then dangerous for priſoners to anſwer the queſtions which were inſidiouſly put to them. The leaſt hint that could be turned to the diſadvantage of a man, or his friends, was laid hold on; whereas the ſmalleſt regard was not paid to what one ſaid in his own favour: Sidney therefore, when he came before the council, told them, with his uſual boldneſs, that if they had any proof againſt him, he ſhould make the beſt defence he could; but they were not to expect he would fortify their evidence by any thing he ſhould ſay. By this means his examination was very ſhort. Beſides, there being no ſort of evidence againſt him, his commitment was againſt law; for he was not taken up directly as a plotter, but as a republican. However, at that time there was no crime reckoned more capital than to have a republican ſpirit, or to be an enemy to unlimited monarchy. Mr. Sidney was then conducted to the Tower, where he lay for ſome time; but he was at laſt brought thence, by virtue of the habeas corpus act, on the 7th of November, to the King's Bench bar, and was arraigned before the lord chief Juſtice Jefferies, on an indictment of high treaſon; to which he pleaded not guilty, and deſired a fortnight's time for preparing evidence; which being granted, he came to his trial on the 21ſt of November.

* He left among his papers an account of the management of that election, and of the proceedings of the court-party who oppoſed him; which furniſhes us with a notable inſtance of the partiality and corruption of the times.

† In his Memoirs, &c.

And now we are come to a moſt remarkable period of our Author's life; a period which I believe every one will think merits a particular conſideration.—His trial was certainly a maſter-piece in its kind, and will tranſmit the infamy of the judges and juries which were then employed, to lateſt poſterity. 'Tis very ſtrange, that SIDNEY's indictment, as Sir John Hawles obſerves *, at the time when he came into the hall, was ſo far from being found by the grand jury, that it had not been ſo much as preſented to them. But the council were ſo wiſe as to try men's pulſes beforehand, to ſee how tame they would be. So a jury was picked out according to their mind. They conſiſted moſtly of perſons of the meaneſt rank. They would ſtick at nothing to ſerve a turn, and ſhewed themſelves ſo exceedingly tractable, that they found the indictment upon ſight, without the leaſt conſideration †. SIDNEY objected againſt a number of the jury, becauſe they were not freeholders: but Jefferies told him, that had been over-ruled in lord Ruſſel's caſe, and therefore it ſhould be ſo in his. Accordingly he did over-rule it, and carried on matters in ſo impetuous a manner, that he would not allow ALGERNON to read the ſtatute. Now, the caſes of lord Ruſſel and Mr. SIDNEY were far from being parallel. For lord Ruſſel was tried at the Old Baily, where the jury conſiſted of Londoners; whereas SIDNEY's trial was in Middleſex ‡. But Jefferies, as he himſelf ſaid on another occaſion, was for making precedents to the ſucceeding times, as thoſe who had gone before them had made precedents for them. Four witneſſes were produced againſt the colonel. The firſt was Mr. Weſt, againſt whom SIDNEY objected, becauſe he was not pardoned. But he was a good witneſs in lord Ruſſel's trial, and that was a ſufficient precedent for a man of Jefferies's temper to act upon. The next who was examined was Rumſey, and, after him, Keeling. But theſe three were only brought to make a ſhew; for none of them knew any thing of SIDNEY. Only they ſaid, that they had heard of a council of ſix, and that the priſoner was one of them. Yet even in that they contradicted each other. For Weſt ſwore he had it from Rumſey, and Rumſey ſwore he had it from Weſt.

The Lord Howard was next examined, and he was the only witneſs who pretended to know any thing of SIDNEY. His evidence was very particular, and 'tis very remarkable, that he gave

* Remarks upon the trials of Fitzharris, Stephen College, &c.

† The colonel had twice inſiſted to have a copy of his indictment, and was both times denied that juſtice.

‡ In London the merchants are ſuppoſed to be rich; but in a county, a man, who is no freeholder, is always ſuppoſed to be poor: ſo that the two caſes were quite unlike.

it, as biſhop Burnet ſays *, "with a preface which had become a "pleader better than a witneſs." And there cannot be a ſtronger inſtance of his lordſhip's monſtrous ingratitude; for, during his impriſonment, Mr. SIDNEY had ſhewn him the utmoſt kindneſs, and managed every thing in which he was intereſted, with the greateſt zeal and tenderneſs. It was therefore an honour to Mr. SIDNEY to have ſuch a witneſs againſt him. Among other things, Howard depoſed, that colonel SIDNEY was one of the firſt movers for the council of ſix †; that the council met at Mr. Hamden's houſe, and concerted their ſchemes; and that the colonel ſent one Aaron Smith into Scotland, in order to make a coalition of councils betwixt them and the Scots, and to unite them together. To theſe articles SIDNEY objected the great improbability of erecting a council of ſix, and that perſons ſo little acquainted ſhould all at once fall into ſo intimate a friendſhip. He declared, he never ſpoke with the duke of Monmouth above thrice in his life; and that one time was, when Howard brought him to his houſe, and impoſed upon both; telling the duke, that the colonel had invited him, and the colonel, that the duke invited himſelf; neither of which was true. He obſerved alſo, that the perjuries of Howard were too notorious and glaring, to allow his evidence any credit; and that he had varied in ſeveral particulars from what he had depoſed in lord Ruſſel's trial. In fine, he offered to prove, that Howard had confeſſed, "that he could not get his "pardon, until he had done ſome other jobbs; until he was paſt "the drudgery of ſwearing."

Now one ſhould think, that theſe objections might have been ſufficient to caſt any witneſs. But Jefferies had already reſolved to condemn the colonel. Humanity and common juſtice were therefore to be diſregarded, and the evidence was determined to be quite good. But Howard was but one witneſs, and the colonel could not be condemned without ſome decent appearance of juſtice. Whence were they to bring collateral proofs? A very ingenious contrivance, ſuggeſted by the inhuman ſubtlety of the times, quickly procured theſe. A manuſcript found among SIDNEY's papers, was immediately produced; and in it were the following damnable errors; "That power is originally in the peo-"ple; that the king is ſubject to the law of God, as he is a man; "and to the people who make him, as he is a king; that the "king ought to ſubmit his intereſt to theirs, ſince he is not ſu-"perior to any of them in any other reſpect than that he is "by conſent of all raiſed above any other; that if he like not

* Hiſtory of his own Times, vol. i.

† Theſe ſix, he ſaid, were the duke of Monmouth, the earl of Eſſex, lord Ruſſel, colonel Sidney, Mr. Hamden junior, and himſelf.

" this condition, he may renounce the crown; but if he receive " it upon this condition, and ſwear to perform it, he muſt expect the " performance will be exacted, or revenge taken by thoſe whom " he hath betrayed; that therefore the people may change or take " away kings without breaking any yoke, or that is made a yoke " which ought not to be made one; that the people muſt be " judges of what happens between them and the king whom " they did conſtitute; and that the power of calling and diſſolv- " ing of parliaments is not in the king."

Theſe poſitions, by the ſingular ſagacity of the court, were found to contain ſufficient proof, that the colonel was in a plot againſt the king's life; and therefore it was inſiſted, that they ſhould ſtand as a ſecond witneſs. Yet it could not be proved, that SIDNEY wrote them; but there was a ſimilitude of hands, and that was capital. The colonel argued, that for one to come and tell a tale of an imaginary council, and another of a libel, a paper written no body knows where, was a thing never to be got over; and that as to theſe papers, at moſt they could only be his private ſentiments concerning government, never communicated to any, and wrote ſome years ago. How therefore could it be pretended to be a proof of a late plot? That the manuſcript was not finiſhed; that the fiftieth part of it was not produced, nor even the tenth of that allowed to be read. Jefferies was ſo ſenſible of the ſtrength of his reaſoning, that he often interrupted him with the utmoſt rudeneſs, trying to put him in a paſſion; but the crafty judge loſt his aim, for SIDNEY behaved with the greateſt calmneſs, and kept his temper to admiration.

With regard to his papers, the ſollicitor-general muſt needs prove them to be an ouvert act; and his argument was, *Scribere eſt agere.* And Jefferies's law was, that if there were two witneſſes, one to the treaſon, and another to a circumſtance, ſuch as the buying of a knife, they were quite ſufficient. Not to mention a number of other particulars, which muſt equally raiſe our pity and indignation, the court concluded, that SIDNEY was not only guilty of the practices charged upon him, but that he could not have been otherwiſe, becauſe his principles led him to it; to which Jefferies added, that he was born a traitor. At laſt ALGERNON SIDNEY was found guilty on the 21ſt of November, and, on the 26th, was again brought to the bar, in order to receive ſentence. There he had a new ſtruggle for his life, but to no purpoſe. He had long before been devoted to deſtruction, and now he was to receive the iniquitous ſentence. When he ſaw they were ready to pronounce it, he cried out; " I muſt appeal " to God and the world, I am not heard." Then Jefferies pronounced ſentence; upon which ALGERNON nobly ſaid; " Then,

" O God! I beſeech thee to ſanctify theſe ſufferings unto me " and impute not my blood to the country, nor the city, through " which I am to be drawn. Let no inquiſition be made for it; " but if any, and the ſhedding of blood that is innocent muſt " be revenged, let the weight of it fall only upon thoſe that ma- " liciouſly perſecute me for righteouſneſs ſake." Jefferies replied, " I pray God work in you a temper fit to go into the other " world; for I ſee you are not fit for this." Then the colonel, ſtretching out his arm, cried; " My lord, feel my pulſe, and ſee " if I am diſordered. I bleſs God, I never was in better temper " than I am now."

Such was the trial, ſuch the behaviour of ALGERNON SIDNEY. How unlike to each other! The one not more amiable than the other horrid and deteſtable.

There were few circumſtances attending the trial, which were not originals, and without any precedent. The obſervation of Sir John Hawles * is very juſt, that SIDNEY was merely talked to death under the notion of a commonwealth's man, and found guilty by a jury who were not much more proper judges in the caſe, than they would have been if what he had wrote had been done by him in Syriac or Arabic. This was the firſt inſtance of a man's ever loſing his life, on an indictment of high treaſon, for writing any thing without publiſhing it; the firſt time that any particular expreſſion in a writing was held a good evidence againſt a man arraigned for treaſon, without reading the whole. In ſhort, the whole of it was monſtrous. The very ſumming up of the evidence was ridiculous. It had more reſemblance to a libel than a proof. There was nothing like reaſoning in it; it was full of invectives, without any conſequences, excepting *he was guilty, becauſe he was ſo.* This is a known ſpecimen of the logic of thoſe times in the like caſes: as giving a man the lie in an open court, is an inſtance of their good manners †.

As ALGERNON was not afraid to die, ſo, for his country's ſake, he wanted to live: for which reaſon, after he received ſentence, he ſent to his nephew lord Hallifax a paper containing the chief points of his defence; deſiring his lordſhip to lay it before the king. This Hallifax immediately did, praying his majeſty to review the whole matter. The king indeed diſcovered ſome inclination to pardon him; but Jefferies, in a torrent of furious eloquence, ſaid; " Either SIDNEY muſt die, or he muſt die." By this time there was an univerſal clamour againſt the trial; it was generally reckoned, as well it might, a piece of the moſt

* In his remarks upon colonel SIDNEY's trial.

† Mr. SIDNEY ſuffered that indignity of judge Wilkins with the greateſt patience.

enor-

enormous injuſtice. The execution therefore was reſpited for three weeks. At laſt, when all applications failed, the warrant for his execution was brought him. He received it with an unſhaken fortitude, and expreſſed not the leaſt concern. That warmth of temper, which ſeldom fails to accompany ſprightlineſs and vivacity, had now entirely left him. A calm ſedateneſs, a decent compoſure, fortified his breaſt to ſuch a degree, that many were amazed at it. He told the ſheriffs who brought the warrant, that he would not expoſtulate upon any thing on his own account, for the world was now nothing to him; but he deſired they would conſider how guilty they were of his blood, who had not returned a fair jury, but one packed, and as they were directed by the king's ſollicitor. He ſpoke this to them not for his own ſake, but for theirs. This ſo ſtruck one of the ſheriffs, that he could not refrain from tears.

On the 7th of December, 1683, he was led to execution on a ſcaffold erected on Tower-hill, where he remained but a few minutes; for he ſpoke little, and, after a ſhort prayer, laid his head on the block, which was cut off at one blow, in the ſixty-firſt year of his age. He behaved with an unconcernedneſs that became one who had ſet up Marcus Brutus as his pattern *. His body was next day buried at Penſhurſt among his anceſtors.

Mr. SIDNEY wrote a long vindication of himſelf, which biſhop Burnet ſays he read †; the ſubſtance of which was ſummed up in the paper which he gave to the ſheriffs, when he was on the ſcaffold. He gave a copy of that paper likewiſe to a friend, leſt the one he gave the ſheriffs ſhould have been ſuppreſſed. And in that he was not much miſtaken. It was a fortnight before it was printed, though the ſpeeches of thoſe who died for the popiſh plot were publiſhed the very next day after their execution. And probably it never would have ſeen the light, had not ſeveral written copies of it been diſperſed.

Thus fell ALGERNON SIDNEY, whoſe life and death have rendered him truly illuſtrious, for aſſerting the liberty of mankind; for defending the rights of the Britiſh nation; for declaring againſt tyranny and tyrants, againſt oppreſſion, and againſt the ruin and deſolation of his country. His life therefore was not more an ornament to Britain, than his death will ever be its diſgrace.

* Hiſtory of his own Times, vol. i. † Ibid.

THE

COPY of a PAPER

Delivered to the

SHERIFFS, upon the Scaffold on TOWER-HILL,

On FRIDAY, DECEMBER 7, 1683.

By ALGERNON SIDNEY, Eſq;

Immediately before his DEATH.

Men, Brethren, and Fathers; Friends, Countrymen, and Strangers:

IT may be expected that I ſhould now ſay ſome great matters unto you; but the rigour of the ſeaſon, and the infirmities of my age, increaſed by a cloſe impriſonment of above five months, do not permit me.

Moreover, we live in an age that makes truth paſs for treaſon: I dare not ſay any thing contrary unto it, and the ears of thoſe that are about me will probably be found too tender to hear it. My trial and condemnation doth ſufficiently evidence this.

Weſt, Rumſey, and Keeling, who were brought to prove the plot, ſaid no more of me, than that they knew me not; and ſome others, equally unknown to me, had uſed my name, and that of ſome others, to give a little reputation to their deſigns. The Lord Howard is too infamous by his life, and the many perjuries not to be denied, or rather ſworn by himſelf, to deſerve mention; and, being a ſingle witneſs, would be of no value, tho' he had been of unblemiſhed credit, or had not ſeen and confeſſed that the crimes committed by him, would be pardoned only for committing more; and even the pardon promiſed could not be obtained, till the drudgery of ſwearing was over.

This being laid aſide, the whole matter is reduced to the papers ſaid to be found in my cloſet by the king's officers, without any other proof of their being written by me, than what is taken from ſuppoſitions upon the ſimilitude of an hand that is eaſily counterfeited; and which hath been lately declared, in the lady Car's caſe, to be no lawful evidence in criminal cauſes.

But if I had been ſeen to write them, the matter would not be much altered. They plainly appear to relate to a large treatiſe written long ſince in anſwer to Filmer's book; which, by all intelligent men, is thought to be grounded upon wicked principles, equally pernicious to magiſtrates and people.

If he might publiſh to the world his opinion, that all men are born, under a neceſſity derived from the laws of God and nature, to ſubmit to an abſolute kingly government, which could be reſtrained by no law, or oath; and that he that has the power, whether he came to it by creation, election, inheritance, uſurpation, or any other way, had the right; and none muſt oppoſe his will, but the perſons and eſtates of his ſubjects muſt be indiſpenſably ſubject unto it; I know not why I might not have publiſhed my opinion to the contrary, without the breach of any law I have yet known.

I might, as freely as he, publickly have declared my thoughts, and the reaſons upon which they were grounded; and I am perſuaded to believe, that God had left nations to the liberty of ſetting up ſuch governments as beſt pleaſed themſelves.

That magiſtrates were ſet up for the good of nations, not nations for the honour or glory of magiſtrates.

That the right and power of magiſtrates, in every country, was that which the laws of that country made it to be.

That thoſe laws were to be obſerved; and the oaths taken by them, having the force of a contract between magiſtrate and people, could not be violated without danger of diſſolving the whole fabrick.

That uſurpation could give no right; and the moſt dangerous of all enemies to kings were they, who, raiſing their power to an exorbitant height, allowed to uſurpers all the rights belonging unto it.

That ſuch uſurpations being ſeldom compaſſed without the ſlaughter of the reigning perſon, or family, the worſt of all villanies was thereby rewarded with the moſt glorious privileges.

That if ſuch doctrines were received, they would ſtir up men to the deſtruction of princes, with more violence than all the paſſions that have hitherto raged in the hearts of the moſt unruly.

That none could be ſafe, if ſuch a reward were propoſed to any that could deſtroy them.

That

That few would be ſo gentle as to ſpare even the beſt, if, by their deſtruction, a wild uſurper could become God's anointed, and, by the moſt execrable wickedneſs, inveſt himſelf with that divine character.

This is the ſcope of the whole treatiſe; the writer gives ſuch reaſons as at preſent did occur unto him to prove it. This ſeems to agree with the doctrines of the moſt reverenced authors of all times, nations and religions. The beſt and wiſeſt of kings have ever acknowledged it. The preſent king of France has declared, that kings have that happy want of power, that they can do nothing contrary to the laws of their country; and grounds his quarrel with the king of Spain, *anno* 1667, upon that principle. King James, in his ſpeech to the parliament, *anno* 1603, doth in the higheſt degree aſſert it: The ſcripture ſeems to declare it. If nevertheleſs the writer was miſtaken, he might have been refuted by law, reaſon, and ſcripture; and no man, for ſuch matters, was ever otherwiſe puniſhed, than by being made to ſee his error: and it has not (as I think) been ever known, that they had been referred to the judgment of a jury, compoſed of men utterly unable to comprehend them.

But there was little of this in my caſe; the extravagance of my proſecutors goes higher: the above-mentioned treatiſe was never finiſhed, nor could be in many years, and moſt probably would never have been. So much as is of it was written long ſince, never reviewed nor ſhewn to any man; and the fiftieth part of it was not produced, and not the tenth of that offered to be read. That which was never known to thoſe who are ſaid to have conſpired with me, was ſaid to be intended to ſtir up the people in proſecution of the deſigns of thoſe conſpirators.

When nothing of particular application to time, place, or perſon, could be found in it, (as has ever been done by thoſe who endeavoured to raiſe inſurrections) all was ſupplied by inuendo's.

Whatſoever is ſaid of the expulſion of Tarquin; the inſurrection againſt Nero; the ſlaughter of Caligula, or Domitian; the tranſlation of the crown of France from Meroveus his race to Pepin, and from his deſcendants to Hugh Capet, and the like, was applied by inuendo to the king.

They have not conſidered, that if ſuch acts of ſtate be not good, there is not a king in the world that has any title to the crown he wears; nor can have any, unleſs he could deduce his pedigree from the eldeſt ſon of Noah, and ſhew that the ſucceſſion had ſtill continued in the eldeſt of the eldeſt line, and been ſo deduced to him.

Every one may ſee what advantage this would be to all the kings of the world; and whether, that failing, it were not better

for

for them to acknowledge they had received their crowns by the conſent of willing nations; or to have no better title to them than uſurpation and violence, which by the ſame ways may be taken from them.

But I was long ſince told that I muſt die, or the plot muſt die. Leſt the means of deſtroying the beſt proteſtants in England ſhould fail, the bench muſt be filled with ſuch as had been blemiſhes to the bar.

None but ſuch as theſe would have adviſed with the king's council of the means of bringing a man to death; ſuffered a jury to be packed by the king's ſolicitors, and the under-ſheriff; admit of jurymen who are not freeholders; receive ſuch evidence as is above-mentioned; refuſe a copy of an indictment, or ſuffer the ſtatute of 46 Edward III. to be read, that doth expreſsly enact, it ſhould in no caſe be denied to any man upon any occaſion whatſoever; over-rule the moſt important points of law without hearing. And whereas the ſtatute, 25 Edward III. upon which they ſaid I ſhould be tried, doth reſerve to the parliament all conſtructions to be made in points of treaſon, they could aſſume to themſelves not only a power to make conſtructions, but ſuch conſtructions as neither agree with law, reaſon, or common ſenſe.

By theſe means I am brought to this place. The Lord forgive theſe practices, and avert the evils that threaten the nation from them. The Lord ſanctify theſe my ſufferings unto me; and tho' I fall as a ſacrifice to idols, ſuffer not idolatry to be eſtabliſhed in this land. Bleſs thy people, and ſave them. Defend thy own cauſe, and defend thoſe that defend it. Stir up ſuch as are faint; defend thoſe that are willing; confirm thoſe that waver; give wiſdom and integrity unto all. Order all things ſo as may moſt redound to thine own glory. Grant that I may die glorifying thee for all thy mercies, and that at the laſt thou haſt permitted me to be ſingled out as a witneſs of thy truth, and even by the confeſſion of my oppoſers, for that OLD CAUSE in which I was from my youth engaged, and for which thou haſt often and wonderfully declared thyſelf.

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DISCOURSES
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CHAP. I.

SECTION I.

INTRODUCTION.

HAVING lately ſeen a book intituled PATRIARCHA, written by Sir Robert Filmer, concerning the univerſal and undiſtinguiſhed right of all kings, I thought a time of leiſure might be well employed in examining his doctrine, and the queſtions ariſing from it; which ſeem ſo far to concern all mankind, that, beſides the influence upon our future life, they may be ſaid to comprehend all that in this world deſerves to be cared for. If he ſay true, there is but one government in the world that can have any thing of juſtice in it: and thoſe who have hitherto been eſteemed the beſt and wiſeſt of men, for having conſtituted commonwealths or kingdoms; and taken much pains ſo to proportion the powers of ſeveral magiſtracies, that

they might all concur in procuring the public good; or ſo to divide the powers between the magiſtrates and people, that a well-regulated harmony might be preſerved in the whole, were the moſt unjuſt and fooliſh of all men. They were not builders, but overthrowers of governments: Their buſineſs was to ſet up ariſtocratical, democratical or mixed governments, in oppoſition to that monarchy which by the immutable laws of God and nature it impoſed upon mankind; or preſumptuouſly to put ſhackles upon the monarch, who by the ſame laws is to be abſolute and uncontrolled: They were rebellious and diſobedient ſons, who roſe up againſt their father; and not only refuſed to hearken to his voice, but made him bend to their will. In their opinion, ſuch only deſerved to be called good men, who endeavoured to be good to mankind; or to that country to which they were more particularly related: and in as much as that good conſiſts in a felicity of eſtate, and perfection of perſon, they highly valued ſuch as had endeavoured to make men better, wiſer and happier. This they underſtood to be the end for which men enter'd into ſocieties: And, tho' Cicero ſays, that commonwealths were inſtituted for the obtaining of juſtice, he contradicts them not, but comprehends all in that word; becauſe 'tis juſt that whoſoever receives a power, ſhould employ it wholly for the accompliſhment of the ends for which it was given. This work could be performed only by ſuch as excelled in virtue; but leſt they ſhould deflect from it, no government was thought to be well conſtituted, unleſs the laws prevailed above the commands of men *; and they were accounted as the worſt of beaſts, who did prefer ſuch

* Potentiora legum quam hominum imperia. *Tacit.*

a con-

a condition before a ſubjection to the fluctuating and irregular will of a man.

If we believe Sir Robert, all this is miſtaken. Nothing of this kind was ever left to the choice of men They are not to enquire what conduces to their own good: God and nature have put us into a way from which we are not to ſwerve: We are not to live to him, nor to ourſelves, but to the maſter that he hath ſet over us. One government is eſtabliſhed over all, and no limits can be ſet to the power of the perſon that manages it. This is the prerogative, or, as another author of the ſame ſtamp calls it, the Royal Charter granted to kings by God. They all have an equal right to it; women and children are patriarchs; and the next in blood, without any regard to age, ſex, or other qualities of the mind or body, are fathers of as many nations as fall under their power. We are not to examine whether he or ſhe be young or old, virtuous or vicious, ſober-minded or ſtark mad; the right and power is the ſame in all. Whether virtue be exalted or ſuppreſſed; whether he that bears the ſword be a praiſe to thoſe that do well, and a terror to thoſe that do evil; or a praiſe to thoſe that do evil, and a terror to ſuch as do well, it concerns us not; for the king muſt not loſe his right, nor have his power diminiſhed on any account. I have been ſometimes apt to wonder, how things of this nature could enter into the head of any man: Or, if no wickedneſs or folly be ſo great, but ſome may fall into it, I could not well conceive why they ſhould publiſh it to the world. But theſe thoughts ceaſed, when I conſidered that a people from all ages in love with liberty, and deſirous to maintain their own privileges, could never be brought to reſign them, unleſs they were made to believe that in conſcience

they ought to do it; which could not be, unleſs they were alſo perſuaded to believe, that there was a law ſet to all mankind which none might tranſgreſs, and which put the examination of all thoſe matters out of their power. This is our author's work. By this it will appear whoſe throne he ſeeks to advance, and whoſe ſervant he is, whilſt he pretends to ſerve the king. And that it may be evident he hath made uſe of means ſuitable to the ends propoſed for the ſervice of his great maſter, I hope to ſhew that he hath not uſed one argument that is not falſe, nor cited one author whom he hath not perverted and abuſed. Whilſt my work is ſo to lay open theſe ſnares that the moſt ſimple may not be taken in them, I ſhall not examine how Sir Robert came to think himſelf a man fit to undertake ſo great a work, as to deſtroy the principles, which from the beginning ſeem to have been common to all mankind; but only weighing the poſitions and arguments that he alledgeth, will, if there be either truth or ſtrength in them, confeſs the diſcovery comes from him that gave us leaſt reaſon to expect it, and that in ſpight of the antients, there is not in the world a piece of wood out of which a Mercury may not be made.

SECT. II.

The common notions of liberty are not from ſchool-divines, but from nature.

IN the firſt lines of his book he ſeems to denounce war againſt mankind, endeavouring to overthrow the principle of liberty in which God created us, and which includes the chief advantages of the life we enjoy, as well as the greateſt helps towards the felicity, that is the end of our hopes in the other.

To

To this end he abſurdly imputes to the ſchool-divines that which was taken up by them as a common notion, written in the heart of every man, denied by none, but ſuch as were degenerated into beaſts, from whence they might prove ſuch points as of themſelves were leſs evident. Thus did Euclid lay down certain axioms, which none could deny that did not renounce common ſenſe, from whence he drew the proofs of ſuch propoſitions as were leſs obvious to the underſtanding; and they may with as much reaſon be accuſed of paganiſm, who ſay that the whole is greater than a part, that two halfs make the whole, or that a ſtrait line is the ſhorteſt way from point to point, as to ſay, that they who in politics lay ſuch foundations, as have been taken up by ſchoolmen and others as undeniable truths, do therefore follow them, or have any regard to their authority. Tho' the ſchoolmen were corrupt, they were neither ſtupid nor unlearned: They could not but ſee that which all men ſaw, nor lay more approved foundations, than, that man is naturally free; that he cannot juſtly be deprived of that liberty without cauſe, and that he doth not reſign it, or any part of it, unleſs it be in conſideration of a greater good, which he propoſes to himſelf. But if he doth unjuſtly impute the invention of this to ſchool-divines, he in ſome meaſure repairs his fault in ſaying, "This hath been "foſtered by all ſucceeding papiſts for good divi-"nity: The divines of the reformed churches have "entertained it, and the common people every "where tenderly embrace it." That is to ſay, all chriſtian divines, whether reformed or unreformed, do approve it, and the people every where magnify it, as the height of human felicity. But Filmer, and ſuch as are like to him, being neither

reformed nor unreformed chriſtians, nor of the people, can have no title to chriſtianity; and, in as much as they ſet themſelves againſt that which is the height of human felicity, they declare themſelves enemies to all that are concern'd in it, that is, to all mankind.

But, ſays he, " They do not remember that the " deſire of liberty was the firſt cauſe of the fall of " man:" And I deſire it may not be forgotten, that the liberty aſſerted is not a licentiouſneſs of doing what is pleaſing to every one againſt the command of God; but an exemption from all human laws, to which they have not given their aſſent. If he would make us believe there was any thing of this in Adam's ſin, he ought to have proved, that the law which he tranſgreſſed was impoſed upon him by man, and conſequently that there was a man to impoſe it; for it will eaſily appear that neither the reformed or unreformed divines, nor the people following them, do place the felicity of man in an exemption from the laws of God, but in a moſt perfect conformity to them. Our Saviour taught us " not to fear ſuch as could kill the body, " but him that could kill and caſt into hell:" And the apoſtle tells us that we ſhould obey God rather than man. It hath been ever hereupon obſerved, that they who moſt preciſely adhere to the laws of God, are leaſt ſolicitous concerning the commands of men, unleſs they are well grounded; and thoſe who moſt delight in the glorious liberty of the ſons of God, do not only ſubject themſelves to him, but are moſt regular obſervers of the juſt ordinances of man, made by the conſent of ſuch as are concerned, according to the will of God.

The error of not obſerving this may perhaps deſerve to be pardoned in a man that had read no books,

books, as proceeding from ignorance; if ſuch as are groſly ignorant can be excuſed, when they take upon them to write of ſuch matters as require the higheſt knowledge: But in Sir Robert 'tis prevarication and fraud to impute to ſchoolmen and puritans that which in his firſt page he acknowledged to be the doctrine of all reformed and unreformed chriſtian churches, and that he knows to have been the principle in which the Grecians, Italians, Spaniards, Gauls, Germans, and Britons, and all other generous nations ever lived, before the name of Chriſt was known in the world; inſomuch that the baſe effeminate Aſiatics and Africans, for being careleſs of their liberty, or unable to govern themſelves, were by Ariſtotle and other wiſe men called "ſlaves "by nature," and look'd upon as little different from beaſts.

This which hath its root in common ſenſe, not being to be overthrown by reaſon, he ſpares his pains of ſeeking any; but thinks it enough to render his doctrine plauſible to his own party, by joining the Jeſuits to Geneva, and coupling Buchanan to Doleman, as both maintaining the ſame doctrine; tho' he might as well have joined the Puritans with the Turks, becauſe they all think that one and one makes two. But whoever marks the proceedings of Filmer and his maſters, as well as his diſciples, will rather believe that they have learn'd from Rome and the Jeſuits to hate Geneva, than that Geneva and Rome can agree in any thing farther than as they are obliged to ſubmit to the evidence of truth; or that Geneva and Rome can concur in any deſign or intereſt that is not common to mankind.

"Theſe men allowed to the people a liberty of "depoſing their princes. This is a deſperate opi-"nion. Bellarmin and Calvin look aſquint at it."

But why is this a deſperate opinion? If diſagreements happen between king and people, why is it a more deſperate opinion to think the king ſhould be ſubject to the cenſures of the people, than the people ſubject to the will of the king? Did the people make the king, or the king make the people? Is the king for the people, or the people for the king? Did God create the Hebrews that Saul might reign over them? Or did they, from an opinion of procuring their own good, aſk a king, that might judge them, and fight their battles? If God's interpoſition, which ſhall be hereafter explained, do alter the caſe; did the Romans make Romulus, Numa, Tullus Hoſtilius, and Tarquinius Priſcus kings? or did they make or beget the Romans? If they were made kings by the Romans, 'tis certain they that made them ſought their own good in ſo doing; and if they were made by and for the city and people, I deſire to know if it was not better, that when their ſucceſſors departed from the end of their inſtitution, by endeavouring to deſtroy it, or all that was good in it, they ſhould be cenſured and ejected, than be permitted to ruin that people for whoſe good they were created? Was it more juſt that Caligula or Nero ſhould be ſuffered to deſtroy the poor remains of the Roman nobility and people, with the nations ſubject to that empire, than that the race of ſuch monſters ſhould be extinguiſhed, and a great part of mankind, eſpecially the beſt, againſt whom they were moſt fierce, preſerved by their deaths?

I preſume our author thought theſe queſtions might be eaſily decided; and that no more was required to ſhew the forementioned aſſertions were not at all deſperate, than to examine the grounds of them; but he ſeeks to divert us from this enquiry

by propoſing the dreadful conſequences of ſubjecting kings to the cenſures of their people: whereas no conſequence can deſtroy any truth; and the worſt of this is, that if it were received, ſome princes might be reſtrained from doing evil, or puniſhed if they will not be reſtrained. We are therefore only to conſider whether the people, ſenate, or any magiſtracy made by and for the people, have, or can have ſuch a right; for if they have, whatſoever the conſequences may be, it muſt ſtand: And as the one tends to the good of mankind, in reſtraining the luſts of wicked kings; the other expoſes them without remedy to the fury of the moſt ſavage of all beaſts. I am not aſhamed in this to concur with Buchanan, Calvin, or Bellarmin, and without envy leave to Filmer and his aſſociates the glory of maintaining the contrary.

But notwithſtanding our author's averſion to truth, he confeſſes, " That Hayward, Blackwood, Bar-
" clay, and others, who have bravely vindicated the
" right of kings in this point, do with one conſent
" admit, as an unqueſtionable truth, and aſſent unto
" the natural liberty and equality of mankind, not
" ſo much as once queſtioning or oppoſing it." And indeed I believe, that tho' ſince the ſin of our firſt parents the earth hath brought forth briars and brambles, and the nature of man hath been fruitful only in vice and wickedneſs; neither the authors he mentions, nor any others have had impudence enough to deny ſuch evident truth as ſeems to be planted in the hearts of all men; or to publiſh doctrines ſo contrary to common ſenſe, virtue, and humanity, till theſe times. The production of Laud, Manwaring, Sibthorp, Hobbs, Filmer, and Heylin ſeems to have been reſerved as an additional curſe to compleat the ſhame and miſery of our age and country.

try. Thoſe who had wit and learning, with ſomething of ingenuity and modeſty, tho' they believed that nations might poſſibly make an ill uſe of their power, and were very deſirous to maintain the cauſe of kings, as far as they could put any good colour upon it; yet never denied that ſome had ſuffered juſtly (which could not be, if there were no power of judging them) nor ever aſſerted any thing that might arm them with an irreſiſtible power of doing miſchief, animate them to perſiſt in the moſt flagitious courſes, with aſſurance of perpetual impunity, or engage nations in an inevitable neceſſity of ſuffering all manner of outrages. They knew that the actions of thoſe princes who were not altogether deteſtable, might be defended by particular reaſons drawn from them, or the laws of their country; and would neither undertake the defence of ſuch as were abominable, nor bring princes, to whom they wiſhed well, into the odious extremity of juſtifying themſelves by arguments that favoured Caligula and Nero, as well as themſelves, and that muſt be taken for a confeſſion, that they were as bad as could be imagined; ſince nothing could be ſaid for them that might not as well be applied to the worſt that had been, or could be. But Filmer, Heylin, and their aſſociates, ſcorning to be reſtrained by ſuch conſiderations, boldly lay the ax to the root of the tree, and rightly enough affirm, "That the whole fa-"brick of that which they call popular ſedition "would fall to the ground, if the principle of na-"tural liberty were removed." And on the other hand it muſt be acknowledged, that the whole fabrick of tyranny will be much weakened, if we prove, that nations have a right to make their own laws, conſtitute their own magiſtrates; and that ſuch as are ſo conſtituted owe an account of their actions

to thoſe by whom, and for whom they are appointed.

SECT. III.

Implicit faith belongs to fools, and truth is comprehended by examining principles.

WHILST Filmer's buſineſs is to overthrow liberty and truth, he, in his paſſage, modeſtly profeſſeth "not to meddle with myſteries of "ſtate, or arcana imperii." He renounces thoſe inquiries through an implicit faith, which never enter'd into the head of any but fools, and ſuch, as through a careleſneſs of the point in queſtion, acted as if they were ſo. This is the foundation of the papal power, and it can ſtand no longer than thoſe that compoſe the Roman church can be perſuaded to ſubmit their conſciences to the word of the prieſts, and eſteem themſelves diſcharged from the neceſſity of ſearching the ſcriptures, in order to know whether the things that are told them are true or falſe. This may ſhew whether our author or thoſe of Geneva do beſt agree with the Roman doctrine: but his inſtance is yet more ſottiſh than his profeſſion. "An implicit faith, ſays he, is given to the "meaneſt artificer." I wonder by whom! Who will wear a ſhoe that hurts him, becauſe the ſhoemaker tells him 'tis well made? or who will live in a houſe that yields no defence againſt the extremities of weather, becauſe the maſon or carpenter aſſures him 'tis a very good houſe? Such as have reaſon, underſtanding, or common ſenſe, will and ought to make uſe of it in thoſe things that concern themſelves and their poſterity, and ſuſpect the words of ſuch as are intereſted in deceiving or perſuading them not to ſee with their own eyes, that they may be

be more eaſily deceived. This rule obliges us ſo far to ſearch into matters of ſtate, as to examine the original principles of government in general, and of our own in particular. We cannot diſtinguiſh truth from falſhood, right from wrong, or know what obedience we owe to the magiſtrate, or what we may juſtly expect from him, unleſs we know what he is, why he is, and by whom he is made to be what he is. Theſe perhaps may be called "myſteries of ſtate;" and ſome would perſuade us they are to be eſteemed Arcana; but whoſoever confeſſes himſelf to be ignorant of them, muſt acknowledge that he is incapable of giving any judgment upon things relating to the ſuperſtructure, and in ſo doing evidently ſhews to others, that they ought not at all to hearken to what he ſays.

His argument to prove this is more admirable. "If an implicit faith, ſays he, is given to the meaneſt artificer in his craft, much more to a prince in "the profound ſecrets of government." But where is the conſequence? If I truſt to the judgment of an artificer, or one of a more ingenious profeſſion, 'tis not becauſe he is of it, but becauſe I am perſuaded he does well underſtand it, and that he will be faithful to me in things relating to his art. I do not ſend for Lower or Micklethwait when I am ſick, nor aſk the advice of Mainard or Jones in a ſuit of law, becauſe the firſt are phyſicians, and the other lawyers; but becauſe I think them wiſe, learned, diligent, and faithful, there being a multitude of others who go under the ſame name, whoſe opinion I would never aſk. Therefore if any concluſion can be drawn from thence in favour of princes, it muſt be of ſuch as have all the qualities of ability and integrity, that ſhould create this confidence in me; or it muſt be proved that all princes, in as much as they

they are princes, have ſuch qualities. No general concluſion can be drawn from the firſt caſe, becauſe it muſt depend upon the circumſtances, which ought to be particularly proved: And if the other be aſſerted, I deſire to know whether Caligula, Claudius, Nero, Vitellius, Domitian, Commodus, Heliogabalus, and others not unlike to them, had thoſe admirable endowments, upon which an implicit faith ought to have been grounded; how they came by them, and whether we have any promiſe from God, that all princes ſhould for ever excel in thoſe virtues, or whether we by experience find that they do ſo. If they are or have been wanting in any, the whole falls to the ground; for no man enjoys as a prince that which is not common to all princes: And if every prince have not wiſdom to underſtand theſe profound ſecrets, integrity to direct him, according to what he knows to be good, and a ſufficient meaſure of induſtry and valour to protect me, he is not the artificer, to whom the implicit faith is due. His eyes are as ſubject to dazzle as my own. But 'tis a ſhame to inſiſt on ſuch a point as this. We ſee princes of all ſorts; they are born as other men: The vileſt flatterer dares not deny that they are wiſe or fooliſh, good or bad, valiant or cowardly, like other men: and the crown doth neither beſtow extraordinary qualities, ripen ſuch as are found in princes ſooner than the meaneſt, nor preſerve them from the decays of age, ſickneſs, or other accidents, to which all men are ſubject: And if the greateſt king in the world fall into them, he is as incapable of that myſterious knowledge, and his judgment is as little to be relied on as that of the pooreſt peaſant.

This matter is not mended by ſending us to ſeek thoſe virtues in the miniſters, which are wanting in the

the prince. The ill effects of Rehoboam's folly could not be corrected by the wiſdom of Solomon's counſellors: he rejected them; and ſuch as are like to him will always do the ſame thing. Nero adviſed with none but muſicians, players, chariot-drivers, or the abominable miniſters of his pleaſures and cruelties. Arcadius his ſenate was chiefly compoſed of buffoons and cooks, influenced by an old raſcally eunuch. And 'tis an eternal truth, that a weak or wicked prince can never have a wiſe council, nor receive any benefit by one that is impoſed upon him, unleſs they have a power of acting without him, which would render the government in effect ariſtocratical, and would probably diſpleaſe our author as much as if it were ſo in name alſo. Good and wiſe counſellors do not grow up like muſhrooms; great judgment is required in chuſing and preparing them. If a weak or vitious prince ſhould be ſo happy to find them choſen to his hand, they would avail him nothing. There will ever be variety of opinions amongſt them; and he that is of a perverted judgment will always chuſe the worſt of thoſe that are propoſed, and favour the worſt men, as moſt like to himſelf. Therefore if this implicit faith be grounded upon a ſuppoſition of profound wiſdom in the prince, the foundation is overthrown, and it cannot ſtand; for to repoſe confidence in the judgment and integrity of one that has none, is the moſt brutiſh of all follies. So that if a prince may have or want the qualities, upon which my faith in him can be rationally grounded, I cannot yield the obedience he requires, unleſs I ſearch into the ſecrets relating to his perſon and commands, which he forbids. I cannot know how to obey, unleſs I know in what, and to whom: nor in what, unleſs I know what ought to be commanded: nor what

ought

ought to be commanded, unleſs I underſtand the original right of the commander, which is the great Arcanum. Our author finding himſelf involved in many difficulties, propoſes an expedient as ridiculous as any thing that had gone before, being nothing more than an abſurd begging the main queſtion, and determining it without any ſhadow of proof. He enjoins an active or paſſive obedience before he ſhews what ſhould oblige or perſuade us to it. This indeed were a compendious way of obviating that which he calls popular ſedition, and of expoſing all nations, that fall under the power of tyrants, to be deſtroyed utterly by them. Nero or Domitian would have deſired no more than that thoſe who would not execute their wicked commands, ſhould patiently have ſuffered their throats to be cut by ſuch as were leſs ſcrupulous: and the world that had ſuffered thoſe monſters for ſome years, muſt have continued under their fury, till all that was good and virtuous had been aboliſhed. But in thoſe ages and parts of the world, where there hath been any thing of virtue and goodneſs, we may obſerve a third ſort of men, who would neither do villainies, nor ſuffer more than the laws did permit, or the conſideration of the public peace did require. Whilſt tyrants with their ſlaves, and the inſtruments of their cruelties, were accounted the dregs of mankind, and made the objects of deteſtation and ſcorn, theſe men who delivered their countries from ſuch plagues were thought to have ſomething of divine in them, and have been famous above all the reſt of mankind to this day. Of this ſort were Pelopidas, Epaminondas, Thraſibulus, Harmodius, Ariſtogiton, Philopemen, Lucius Brutus, Publius Valerius, Marcus Brutus, C. Caſſius, M. Cato, with a multitude of others amongſt the ancient heathens. Such as

were

were inſtruments of the like deliverances amongſt the Hebrews, as Moſes, Othniel, Ehud, Barac, Gideon, Samſon, Jephtha, Samuel, David, Jehu, the Maccabees and others, have from the ſcriptures a certain teſtimony of the righteouſneſs of their proceedings, when they neither would act what was evil, nor ſuffer more than was reaſonable. But leſt we ſhould learn by their examples, and the praiſes given to them, our author confines the ſubject's choice to acting or ſuffering, that is, doing what is commanded, or lying down to have his throat cut, or to ſee his family and country made deſolate. This he calls giving to Cæſar that which is Cæſar's; whereas he ought to have conſidered that the queſtion is not whether that which is Cæſar's ſhould be rendred to him, for that is to be done to all men; but who is Cæſar, and what doth of right belong to him, which he no way indicates to us: ſo that the queſtion remains entire, as if he had never mentioned it, unleſs we do in a compendious way take his word for the whole.

SECT. IV.

The rights of particular nations cannot ſubſiſt, if general principles contrary to them are received as true.

NOtwithſtanding this our author, if we will believe him, "doth not queſtion or quarrel at "the rights or liberties of this or any other nation." He only denies they can have any ſuch, in ſubjecting them neceſſarily and univerſally to the will of one man; and ſays not a word that is not applicable to every nation in the world as well as to our own. But as the bitterneſs of his malice ſeems to be moſt eſpecially directed againſt England, I am inclined to believe he hurts other countries only by acci-

accident, as the famous ‡ French lady intended only to poiſon her father, huſband, brother, and ſome more of her neareſt relations; but rather than they ſhould eſcape, deſtroyed many other perſons of quality, who at ſeveral times dined with them: and if that ought to excuſe her, I am content he alſo ſhould paſs uncenſured, tho' his crimes are incomparably greater than thoſe for which ſhe was condemned, or than any can be which are not of a public extent.

SECT. V.

To depend upon the will of a man is ſlavery.

THIS, as he thinks, is farther ſweetened, by aſſerting, that he doth not inquire what the rights of a people are, but from whence; not conſidering, that whilſt he denies they can proceed from the laws of natural liberty, or any other root than the grace and bounty of the prince, he declares they can have none at all. For as liberty ſolely conſiſts in an independency upon the will of another, and by the name of ſlave we underſtand a man, who can neither diſpoſe of his perſon nor goods, but enjoys all at the will of his maſter; there is no ſuch thing in nature as a ſlave, if thoſe men or nations are not ſlaves, who have no other title to what they enjoy, than the grace of the prince, which he may revoke whenſoever he pleaſeth. But there is more than ordinary extravagance in his aſſertion, that "the greateſt liberty in the world is for a peo-"ple to live under a monarch," when his whole "book is to prove, that this monarch hath his right from God and nature, is endowed with an unlimited power of doing what he pleaſeth, and can be re-

‡ The Marchioneſs of Brinvilliers.

ſtrained by no law. If it be liberty to live under ſuch a government, I deſire to know what is ſlavery. It has been hitherto believed in the world, that the Aſſyrians, Medes, Arabs, Egyptians, Turks, and others like them, lived in ſlavery, becauſe their princes were maſters of their lives and goods: Whereas the Grecians, Italians, Gauls, Germans, Spaniards, and Carthaginians, as long as they had any ſtrength, virtue or courage amongſt them, were eſteemed free nations, becauſe they abhorred ſuch a ſubjection. They were, and would be governed only by laws of their own making: "Potentiora "erant legum quam hominum imperia ‖." Even their princes had the authority or credit of perſuading, rather than the power of commanding. But all this was miſtaken: theſe men were ſlaves, and the Aſiatics were freemen. By the ſame rule the Venetians, Switzers, Griſons, and Hollanders, are not free nations: but liberty in its perfection is enjoyed in France and Turky. The intention of our anceſtors was, without doubt, to eſtabliſh this amongſt us by Magna Charta, and other preceding or ſubſequent laws; but they ought to have added one clauſe, that the contents of them ſhould be in force only ſo long as it ſhould pleaſe the king. King Alfred, upon whoſe laws Magna Charta was grounded, when he ſaid the Engliſh nation was as free as the internal thoughts of a man, did only mean, that it ſhould be ſo as long as it pleaſed their maſter. This it ſeems was the end of our law, and we who are born under it, and are deſcended from ſuch as have ſo valiantly defended their rights againſt the encroachments of kings, have followed after vain ſhadows, and without the expence of ſweat, treaſure,

‖ C. Tacit.

or

or blood, might have ſecured their beloved liberty, by caſting all into the king's hands.

We owe the diſcovery of theſe ſecrets to our author, who after having ſo gravely declared them, thinks no offence ought to be taken at the freedom he aſſumes of examining things relating to the liberty of mankind, becauſe he hath the right which is common to all: but he ought to have conſidered, that in aſſerting that right to himſelf he allows it to all mankind. And as the temporal good of all men conſiſts in the preſervation of it, he declares himſelf to be a mortal enemy to thoſe who endeavour to deſtroy it. If he were alive, this would deſerve to be anſwered with ſtones rather than words. He that oppugns the public liberty, overthrows his own, and is guilty of the moſt brutiſh of all follies, whilſt he arrogates to himſelf that which he denies to all men.

I cannot but commend his modeſty and care "not to detract from the worth of learned men;" but it ſeems they were all ſubject to error, except himſelf, who is render'd infallible through pride, ignorance, and impudence. But if Hooker and Ariſtotle were wrong in their fundamentals concerning natural liberty, how could they be in the right when they built upon it? Or if they did miſtake, how can they deſerve to be cited? Or rather, why is ſuch care taken to pervert their ſenſe? It ſeems our author is by their errors brought to the knowledge of the truth. "Men have heard of a dwarf "ſtanding upon the ſhoulders of a giant, who ſaw "farther than the giant;" but now that the dwarf ſtanding on the ground ſees that which the giant did overlook, we muſt learn from him. If there be ſenſe in this, the giant muſt be blind, or have ſuch eyes only as are of no uſe to him. He minded

only the things that were far from him: theſe great and learned men miſtook the very principle and foundation of all their doctrine. If we will believe our author, this misfortune befel them becauſe they too much truſted to the ſchoolmen. He names Ariſtotle, and I preſume intends to comprehend Plato, Plutarch, Thucydides, Xenophon, Polybius, and all the ancient Grecians, Italians, and others, who aſſerted the natural freedom of mankind, only in imitation of the ſchoolmen, to advance the power of the Pope; and would have compaſſed their deſign, if Filmer and his aſſociates had not oppoſed them. Theſe men had taught us to make the unnatural diſtinction between Royaliſt and Patriot, and kept us from ſeeing, "that the relation between "king and people is ſo great, that their well-"being is reciprocal." If this be true, how came Tarquin to think it good for him to continue king at Rome, when the people would turn him out? or the people to think it good for them to turn him out, when he deſired to continue in? Why did the Syracuſians deſtroy the tyranny of Dionyſius, which he was not willing to leave, till he was pulled out by the heels? How could Nero think of burning Rome? Or why did Caligula wiſh the people had but one neck, that he might ſtrike it off at one blow, if their welfare was thus reciprocal? 'Tis not enough to ſay, theſe were wicked or mad men; for other princes may be ſo alſo, and there may be the ſame reaſon of differing from them. For if the propoſition be not univerſally true, 'tis not to be received as true in relation to any, till it be particularly proved; and then 'tis not to be imputed to the quality of prince, but to the perſonal virtue of the man.

I do not find any great matters in the paſſages taken out of Bellarmin, which our author ſays, com-

comprehend the ſtrength of all that ever he had heard, read, or ſeen produced for the natural liberty of the ſubject: but he not mentioning where they are to be found, I do not think myſelf obliged to examine all his works, to ſee whether they are rightly cited or not: However there is certainly nothing new in them; we ſee the ſame, as to the ſubſtance, in thoſe who wrote many ages before him, as well as in many that have lived ſince his time, who neither minded him, nor what he had written. I dare not take upon me to give an account of his works, having read few of them; but as he ſeems to have laid the foundation of his diſcourſes in ſuch common notions as were aſſented to by all mankind, thoſe who follow the ſame method have no more regard to Jeſuitiſm and Popery, tho' he was a Jeſuit and a cardinal, than they who agree with Faber, and other Jeſuits, in the principles of geometry, which no ſober man did ever deny.

SECT. VI.

God leaves to man the choice of forms in government; and thoſe who conſtitute one form, may abrogate it.

BUT Sir Robert "deſires to make obſervations "on Bellarmin's words, before he examines "or refutes them;" and indeed it were not poſſible to make ſuch ſtuff of his doctrine as he does, if he had examined or did underſtand it. Firſt, he very wittily concludes, "that if by the law of God, "the power be immediately in the people, God is "the author of a democracy." And why not as well as of a tyranny? Is there any thing in it repugnant to the being of God? Is there more reaſon to impute to God Caligula's monarchy, than the democracy of Athens? Or is it more for the glory of

God, to aſſert his preſence with the Ottoman or French monarchs, than with the popular governments of the Switzers and Griſons? Is pride, malice, luxury and violence ſo ſuitable to his being, that they who exerciſe them are to be reputed his miniſters? And is modeſty, humility, equality and juſtice ſo contrary to his nature, that they who live in them ſhould be thought his enemies? Is there any abſurdity in ſaying, that ſince God, in goodneſs and mercy to mankind, hath with an equal hand given to all the benefit of liberty, with ſome meaſure of underſtanding how to employ it, 'tis lawful for any nation, as occaſion ſhall require, to give the exerciſe of that power to one or more men, under certain limitations or conditions; or to retain it in themſelves, if they thought it good for them? If this may be done, we are at end of all controverſies concerning one form of government, eſtabliſhed by God, to which all mankind muſt ſubmit; and we may ſafely conclude, that having given to all men, in ſome degree, the capacity of judging what is good for themſelves, he hath granted to all likewiſe a liberty of inventing ſuch forms as pleaſe them beſt, without favouring one more than another.

His ſecond obſervation is grounded upon a falſity in matter of fact. Bellarmin does not ſay, that democracy is an ordinance of God more than any other government: nor that the people have no power to make uſe of their right; but that they do, that is to ſay ordinarily, tranſmit the exerciſe of it to one or more. And 'tis certain they do ſometimes, eſpecially in ſmall cities, retain it in themſelves: But whether that were obſerved or not by Bellarmin, makes nothing to our cauſe, which we defend, and not him.

The

The next point is ſubtile, and he thinks thereby to have brought Bellarmin, and ſuch as agree with his principle, to a nonplus. He doubts who ſhall judge of the lawful cauſe of changing the government, and ſays, it is a "peſtilent concluſion to place "that power in the multitude." But why ſhould this be eſteemed peſtilent? or to whom? If the allowance of ſuch a power to the ſenate was peſtilent to Nero, it was beneficial to mankind; and the denial of it, which would have given to Nero an opportunity of continuing in his villanies, would have been peſtilent to the beſt men, whom he endeavoured to deſtroy, and to all others that received benefit from them. But this queſtion depends upon another; for if governments are conſtituted for the pleaſure, greatneſs or profit of one man, he muſt not be interrupted; for the oppoſing of his will, is to overthrow the inſtitution. On the other ſide, if the good of the governed be ſought, care muſt be taken that the end be accompliſhed, tho' it be with the prejudice of the governor: If the power be originally in the multitude, and one or more men, to whom the exerciſe of it, or a part of it, was committed, had no more than their brethren, till it was conferred on him or them, it cannot be believed that rational creatures would advance one or a few of their equals above themſelves, unleſs in conſideration of their own good; and then I find no inconvenience in leaving to them a right of judging, whether this be duly performed or not. We ſay in general, he that inſtitutes, may alſo abrogate *, moſt eſpecially when the inſtitution is not only by, but for himſelf. If the multitude therefore do inſtitute, the multitude may abrogate; and they themſelves, or thoſe who ſucceed in the ſame right, can only be fit judges of the per-

* Cujus eſt inſtituere, ejus eſt abrogare.

formance of the ends of the inſtitution. Our author may perhaps ſay, the publick peace may be hereby diſturbed; but he ought to know, there can be no peace, where there is no juſtice; nor any juſtice, if the government inſtituted for the good of a nation be turned to its ruin. But in plain Engliſh, the inconvenience with which ſuch as he endeavour to affright us, is no more than that he or they, to whom the power is given, may be reſtrained or chaſtiſed, if they betray their truſt; which I preſume will diſpleaſe none, but ſuch as would rather ſubmit Rome, with the beſt part of the world depending upon it, to the will of Caligula or Nero, than Caligula or Nero to the judgment of the ſenate and people; that is, rather to expoſe many great and brave nations to be deſtroyed by the rage of a ſavage beaſt, than ſubject that beaſt to the judgment of all, or the choiceſt men of them, who can have no intereſt to pervert them, or other reaſon to be ſevere to him, than to prevent the miſchiefs he would commit, and to ſave the people from ruin.

In the next place he recites an argument of Bellarmin, that "'tis evident in ſcripture God hath "ordained powers; but God hath given them to no "particular perſon, becauſe by nature all men are "equal; therefore he hath given power to the peo-"ple or multitude." I leave him to untie that knot if he can; but, as 'tis uſual with impoſtors, he goes about by ſurmiſes to elude the force of his argument, pretending that in ſome other place he had contradicted himſelf, and acknowledged that every man was prince of his poſterity; "becauſe that if "many men had been created together, they ought "all to have been princes of their poſterity." But 'tis not neceſſary to argue upon paſſages cited from authors, when he that cites them may be juſtly ſuſ-

pected

pected of fraud, and neither indicates the place nor treatiſe, leſt it ſhould be detected; moſt eſpecially when we are no way concerned in the author's credit. I take Bellarmin's firſt argument to be ſtrong; and if he in ſome place did contradict it, the hurt is only to himſelf: but in this particular I ſhould not think he did it, tho' I were ſure our author had faithfully repeated his words; for in allowing every man to be prince of his poſterity, he only ſays, every man ſhould be chief in his own family, and have a power over his children; which no man denies: But he does not underſtand Latin, who thinks that the word Princeps doth in any degree ſignify an abſolute power, or a right of tranſmitting it to his heirs and ſucceſſors; upon which the doctrine of our author wholly depends. On the contrary, the ſame law that gave to my father a power over me, gives me the like over my children; and if I had a thouſand brothers, each of them would have the ſame over their children. Bellarmin's firſt argument therefore being no way enervated by the alledged paſſage, I may juſtly inſiſt upon it, and add, that God hath not only declared in ſcripture, but written on the heart of every man, that as it is better to be cloathed than to go naked; to live in a houſe than to lie in the fields; to be defended by the united force of a multitude, than to place the hopes of his ſecurity ſolely in his own ſtrength; and to prefer the benefits of ſociety, before a ſavage and barbarous ſolitude; he alſo taught them to frame ſuch ſocieties, and to eſtabliſh ſuch laws as were neceſſary to preſerve them. And we may as reaſonably affirm, that mankind is for ever obliged to uſe no other cloaths than leather breeches, like Adam; to live in hollow trees, and eat acorns, or to ſeek after the model of his houſe for a habitation, and to uſe no arms except

ſuch

ſuch as were known to the patriarchs, as to think all nations for ever obliged to be governed as they governed their families. This I take to be the genuine ſenſe of the ſcripture, and the moſt reſpectful way of interpreting the places relating to our purpoſe. 'Tis hard to imagine, that God who hath left all things to our choice, that are not evil in themſelves, ſhould tie us up in this; and utterly incredible that he ſhould impoſe upon us a neceſſity of following his will, without declaring it to us. Inſtead of conſtituting a government over his people, conſiſting of many parts, which we take to be a model fit to be imitated by others, he might have declared in a word, that the eldeſt man of the eldeſt line ſhould be king; and that his will ought to be their law. This had been more ſuitable to the goodneſs and mercy of God, than to leave us in a dark labyrinth, full of precipices; or rather, to make the government given to his own people, a falſe light to lead us to deſtruction. This could not be avoided, if there were ſuch a thing as our author calls a "lord paramount over his childrens children "to all generations." We ſee nothing in ſcripture, of precept or example, that is not utterly abhorrent to this chimera. The only ſort of kings mentioned there with approbation, is ſuch a one "as may not "raiſe his heart above his brethren*." If God had conſtituted a lord paramount with an abſolute power, and multitudes of nations were to labour and fight for his greatneſs and pleaſure, this were to raiſe his heart to a height, that would make him forget he was a man. Such as are verſed in ſcripture, not only know that it neither agrees with the letter or ſpirit of that book; but that it is unreaſonable in itſelf, unleſs he were of a ſpecies different from the reſt of man-

* Deut. xvii.

kind,

kind. His exaltation would not agree with God's indulgence to his creatures, tho' he were the better for it; much leſs when probably he would be made more unhappy, and worſe, by the pride, luxury and other vices, that always attend the higheſt fortunes. 'Tis no leſs incredible that God, who diſpoſes all things in wiſdom and goodneſs, and appoints a due place for all, ſhould, without diſtinction, ordain ſuch a power, to every one ſucceeding in ſuch a line, as cannot be executed; the wiſe would refuſe, and fools cannot take upon them the burden of it, without ruin to themſelves, and ſuch as are under them: or expoſe mankind to a multitude of other abſurdities and miſchiefs; ſubjecting the aged to be governed by children; the wiſe to depend on the will of fools; the ſtrong and valiant to expect defence from the weak or cowardly; and all in general to receive juſtice from him, who neither knows nor cares for it.

SECT. VII.

Abraham and the patriarchs were not kings.

IF any man ſay, that we are not to ſeek into the depth of God's counſels; I anſwer, that if he had, for reaſons known only to himſelf, affixed ſuch a right to any one line, he would have ſet a mark upon thoſe who come of it, that nations might know to whom they owe ſubjection; or given ſome teſtimony of his preſence with Filmer and Heylin, if he had ſent them to reveal ſo great a myſtery. 'Till that be done, we may ſafely look upon them as the worſt of men, and teachers only of lies and follies. This perſuades me little, to examine what would have been, if God had at once created many men, or the concluſions that can be drawn from Adam's having been

been alone. For nothing can be more evident, than that if many had been created, they had been all equal, unleſs God had given a preference to one. All their ſons had inherited the ſame right after their death; and no dream was ever more empty, than his whimſey of Adam's kingdom, or that of the enſuing patriarchs. To ſay the truth, 'tis hard to ſpeak ſeriouſly of Abraham's kingdom, or to think any man to be in earneſt who mentions it. He was a ſtranger, and a pilgrim in the land where he lived, and pretended to no authority beyond his own family, which conſiſted only of a wife and ſlaves. He lived with Lot as with his equal, and would have no conteſt with him, becauſe they were brethren. His wife and ſervants could neither make up, nor be any part of a kingdom, in as much as the deſpotical government, both in practice and principle, differs from the regal. If his kingdom was to be grounded on the paternal right, it vaniſhed away of itſelf; he had no child: Eliezer of Damaſcus, for want of a better, was to be his heir: Lot, tho' his nephew, was excluded: he durſt not own his own wife: he had not one foot of land, till he bought a field for a burying-place: his three hundred and eighteen men were ſervants, (bought according to the cuſtom of thoſe days) or their children; and the war he made with them, was like to Gideon's enterprize; which ſhews only that God can ſave by a few as well as by many, but makes nothing to our author's purpoſe. For if they had been as many in number as the army of Semiramis, they could have no relation to the regal, much leſs to the paternal power; for a father doth not buy, but beget children.

Notwithſtanding this, our author beſtows the proud title of lord paramount upon him, and tranſ-

mits it to Iſaac, who was indeed a king like his father, great, admirable, and glorious in wiſdom and holineſs, but utterly void of all worldly ſplendor or power. This ſpiritual kingdom was inherited by Jacob, whoſe title to it was not founded on prerogative of birth, but election and peculiar grace; but he never enjoyed any other worldly inheritance, than the field and cave which Abraham had bought for a burying-place, and the goods he had gained in Laban's ſervice.

The example of Judah his ſentence upon Thamar is yet farther from the purpoſe, if it be poſſible; for he was then a member of a private family, the fourth ſon of a father then living; neither in poſſeſſion, nor under the promiſe of the privileges of primogeniture, tho' Reuben, Simeon, and Levi fell from it by their ſins. Whatſoever therefore the right was, which belonged to the head of the family, it muſt have been in Jacob; but as he profeſſed himſelf a keeper of ſheep, as his fathers had been, the exerciſe of that employment was ſo far from regal, that it deſerves no explication. If that act of Judah is to be imputed to a royal power, I have as much as I aſk: he, tho' living with his father, and elder brothers, when he came to be of age to have children, had the ſame power over ſuch as were of, or came into his family, as his father had over him; for none can go beyond the power of life and death: the ſame in the utmoſt extent, cannot at the ſame time equally belong to many. If it be divided equally, it is no more than that univerſal liberty which God hath given to mankind; and every man is a king till he diveſt himſelf of his right, in conſideration of ſomething that he thinks better for him.

SECT.

SECT. VIII.

Nimrod was the firſt king, during the life of Chuſh, Ham, Shem, and Noah.

THE creation is exactly deſcribed in the ſcripture; but we know ſo little of what paſſed between the finiſhing of it and the flood, that our author may ſay what he pleaſes, and I may leave him to ſeek his proofs where he can find them. In the mean time I utterly deny, that any power did remain in the heads of families after the flood, that does in the leaſt degree reſemble the regal in principle or practice. If in this I am miſtaken, ſuch power muſt have been in Noah, and tranſmitted to one of his ſons. The ſcripture ſays only, that he built an altar, ſacrificed to the Lord, was a huſbandman, planted a vineyard, and performed ſuch offices as bear nothing of the image of a king, for the ſpace of three hundred and fifty years. We have reaſon to believe, that his ſons after his death, continued in the ſame manner of life, and the equality properly belonging to brethren. 'Tis not eaſy to determine, whether Shem or Japhet † were the elder; but Ham is declared to be the younger; and Noah's bleſſing to Shem ſeems to be purely prophetical and ſpiritual, of what ſhould be accompliſhed in his poſterity; with which Japhet ſhould be perſuaded to join. If it had been worldly, the whole earth muſt have been brought under him, and have for ever continued in his race; which never was accompliſhed, otherwiſe than in the ſpiritual kingdom of Chriſt, which relates not to our author's lord paramount.

† Gen. ix.

As to earthly kings, the firſt of them was Nimrod, the ſixth ſon of Chuſh the ſon of Ham, Noah's younger and accurſed ſon. This kingdom was ſet up about a hundred and thirty years after the flood, whilſt Chuſh, Ham, Shem and Noah were yet living; whereas if there were any thing of truth in our author's propoſition, all mankind muſt have continued under the government of Noah whilſt he lived; and that power muſt have been tranſmitted to Shem, who lived about three hundred and ſeventy years after the erection of Nimrod's kingdom; and muſt have come to Japhet if he was the elder, but could never come to Ham, who is declared to have been certainly the younger, and condemned to be a ſervant to them both; much leſs to the younger ſon of his ſon, whilſt he, and thoſe to whom he and his poſterity were to be ſubjects, were ſtill living.

This rule therefore, which the partizans of abſolute monarchy fancy to be univerſal and perpetual, falling out in its firſt beginning, directly contrary to what they aſſert; and being never known to have been recovered, were enough to ſilence them, if they had any thing of modeſty or regard to truth. But the matter may be carried farther: For the ſcripture doth not only teſtify, that this kingdom of Nimrod was an uſurpation, void of all right, proceeding from the moſt violent and miſchievous vices, but exerciſed with the utmoſt fury, that the moſt wicked man of the accurſed race, who ſet himſelf up againſt God, and all that is good, could be capable of. The progreſs of this kingdom was ſuitable to its inſtitution: that which was begun in wickedneſs, was carried on with madneſs, and produced confuſion. The mighty hunter, whom the beſt interpreters call a "cruel tyrant," receding

ceding from the ſimplicity and innocence of the patriarchs, who were huſbandmen or ſhepherds, arrogating to himſelf a dominion over Shem, to whom he and his fathers were to be ſervants, did thereby ſo peculiarly become the heir of God's curſe, that whatſoever hath been ſaid to this day, of the power that did moſt directly ſet itſelf againſt God and his people, hath related literally to the Babel that he built, or figuratively to that which reſembles it in pride, cruelty, injuſtice and madneſs.

But the ſhameleſs rage of ſome of theſe writers is ſuch, that they rather chuſe to aſcribe the beginning of their idol to this odious violence, than to own it from the conſent of a willing people; as if they thought, that as all action muſt be ſuitable to its principle, ſo that which is unjuſt in its practice, ought to ſcorn to be derived from that which is not deteſtable in its principle. 'Tis hardly worth our pains to examine whether the nations, that went from Babel after the confuſion of languages, were more or leſs than ſeventy-two, for they ſeem not to have gone according to families, but every one to have aſſociated himſelf to thoſe that underſtood his ſpeech; and the chief of the fathers, as Noah and his ſons, were not there, or were ſubject to Nimrod; each of which points doth deſtroy, even in the root, all pretence to paternal government. Beſides, 'tis evident in ſcripture, that Noah lived three hundred and fifty years after the flood; Shem five hundred; Abraham was born about two hundred and ninety years after the flood, and lived one hundred ſeventy five years: he was therefore born under the government of Noah, and died under that of Shem: he could not therefore exerciſe a regal power whilſt he lived, for that was in Shem: ſo that in leaving his country, and ſetting up a family for himſelf, that never

never acknowledged any ſuperior, and never pretending to reign over any other, he fully ſhewed he thought himſelf free, and to owe ſubjection to none: And being as far from arrogating to himſelf any power upon the title of paternity, as from acknowledging it in any other, left every one to the ſame liberty.

The punctual enumeration of the years, that the fathers of the holy ſeed lived, gives us ground of making a more than probable conjecture, that they of the collateral lines were, in number of days, not unequal to them; and if that be true, Ham and Chuſh were alive when Nimrod ſet himſelf up to be king. He muſt therefore have uſurped this power over his father, grandfather, and great grandfather; or, which is more probable, he turned into violence and oppreſſion the power given to him by a multitude; which, like a flock without a ſhepherd, not knowing whom to obey, ſet him up to be their chief. I leave to our author the liberty of chuſing which of theſe two doth beſt ſuit with his paternal monarchy; but as far as I can underſtand, the firſt is directly againſt it, as well as againſt the laws of God and man; the other being from the conſent of the multitude, cannot be extended farther than they would have it, nor turned to their prejudice, without the moſt abominable ingratitude and treachery, from whence no right can be derived, nor any juſtifiable example taken.

Nevertheleſs, if our author reſolve that Abraham was alſo a king, he muſt preſume that Shem did emancipate him, before he went to ſeek his fortune. This was not a kingly poſture; but I will not contradict him, if I may know over whom he reigned. Paternal monarchy is exerciſed by the father of the family over his deſcendants, or ſuch as

had been under the dominion of him, whoſe heir he is. But Abraham had neither of theſe: Thoſe of his neareſt kindred continued in Meſopotamia, as appears by what is ſaid of Bethuel and Laban. He had only Lot with him, over whom he pretended no right: He had no children 'till he was a hundred years old, (that is to ſay, he was a king without a ſubject) and then he had but one. I have heard that † ſovereigns do impatiently bear competitors; but now I find ſubjection alſo doth admit of none. Abraham's kingdom was too great when he had two children, and to diſburthen it, Iſhmael muſt be expelled ſoon after the birth of Iſaac. He obſerved the ſame method after the death of Sarah: He had children by Keturah; but he gave them gifts and ſent them away, leaving Iſaac like a ſtoical king reigning in and over himſelf, without any other ſubject 'till the birth of Jacob and Eſau. But his kingdom was not to be of a larger extent than that of his father: The two twins could not agree: Jacob was ſent away by his mother; he reigned over Eſau only, and 'tis not eaſy to determine who was the heir of his worldly kingdom; for tho' Jacob had the birth-right, we do not find he had any other goods, than what he had gotten in Laban's ſervice. If our author ſay true, the right of primogeniture, with the dominion perpetually annexed by the laws of God and nature, muſt go to the eldeſt: Iſaac therefore, tho' he had not been deceived, could not have conferred it upon the younger; for man cannot overthrow what God and nature have inſtituted. Jacob, in the court-language, had been a double rebel, in beguiling his father, and ſupplanting his brother. The bleſſing of being lord over his brethren, could not have taken place.

† Omniſque poteſtas impatiens conſortis erit. *Lucan.*

Or

Or if Iſaac had power, and his act was good, the prerogative of the elder is not rooted in the law of God or nature, but a matter of conveniency only, which may be changed at the will of the father, whether he know what he do or not. But if this paternal right to dominion were of any value, or dominion over men were a thing to be deſired, why did Abraham, Iſaac and Jacob, content themſelves with ſuch a narrow territory, when after the death of their anceſtors, they ought, according to that rule, to have been lords of the world? All authors conclude that Shem was the eldeſt by birth, or preferred by the appointment of God, ſo as the right muſt have been in him, and from him tranſmitted to Abraham and Iſaac; but if they were ſo poſſeſſed with the contemplation of a heavenly kingdom, as not to care for the greateſt on earth; 'tis ſtrange that Eſau, whoſe modeſty is not much commended, ſhould ſo far forget his intereſt, as neither to lay claim to the empire of the world, nor diſpute with his brother the poſſeſſion of the field and cave bought by Abraham, but rather to fight for a dwelling on mount Seir, that was neither poſſeſſed by, nor promiſed to his fathers. If he was fallen from his right, Jacob might have claimed it; but God was his inheritance, and being aſſured of his bleſſing, he contented himſelf with what he could gain by his induſtry, in a way that was not at all ſuitable to the pomp and majeſty of a king. Which way ſoever therefore the buſineſs be turned, whether, according to Iſaac's bleſſing, Eſau ſhould ſerve Jacob, or our author's opinion, Jacob muſt ſerve Eſau, neither of the two was effected in their perſons: And the kingdom of two being divided into two, each of them remained lord of himſelf.

SECT. IX.

The power of a father belongs only to a father.

THIS leads us to an eaſy determination of the queſtion, which our author thinks inſoluble; "If Adam was lord of his children, he doth not "ſee how any can be free from the ſubjection of "his parents," For as no good man will ever deſire to be free from the reſpect that is due to his father, who did beget and educate him, no wiſe man will ever think the like to be due to his brother or nephew that did neither. If Eſau and Jacob were equally free; if Noah, as our author affirms, divided Europe, Aſia and Africa, amongſt his three ſons, tho' he cannot prove it; and if ſeventy two nations, under ſo many heads or kings, went from Babylon to people the earth, about a hundred and thirty years after the flood, I know not why, according to the ſame rule and proportion, it may not be ſafely concluded, that in four thouſand years kings are ſo multiplied, as to be in number equal to the men that are in the world; that is to ſay, they are, according to the laws of God and nature, all free, and independent upon each other, as Shem, Ham and Japhet were. And therefore, tho' Adam and Noah had reigned alone when there were no men in the world except ſuch as iſſued from them, that is no reaſon why any other ſhould reign over thoſe that he hath not begotten. As the right of Noah was divided amongſt the children he left, and when he was dead, no one of them depended on the other, becauſe no one of them was father of the other; and the right of a father can only belong to him that is ſo, the like muſt for ever attend every other father in the world. This paternal power

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muſt neceſſarily accrue to every father: He is a king by the ſame right as the ſons of Noah; and how numerous ſoever families may be upon the increaſe of mankind, they are all free, 'till they agree to recede from their own right, and join together in, or under one government, according to ſuch laws as beſt pleaſe themſelves.

SECT. X.

Such as enter into ſociety, muſt in ſome degree diminiſh their liberty.

REASON leads them to this: No one man or family is able to provide that which is requiſite for their convenience or ſecurity, whilſt every one has an equal right to every thing, and none acknowleges a ſuperior to determine the controverſies, that upon ſuch occaſions muſt continually ariſe, and will probably be ſo many and great, that mankind cannot bear them. Therefore tho' I do not believe that Bellarmin ſaid, a commonwealth could not exerciſe its power; for he could not be ignorant, that Rome and Athens did exerciſe theirs, and that all the regular kingdoms in the world are commonwealths; yet there is nothing of abſurdity in ſaying, that man cannot continue in the perpetual and entire fruition of the liberty that God hath given him. The liberty of one is thwarted by that of another; and whilſt they are all equal, none will yield to any, otherwiſe than by a general conſent. This is the ground of all juſt governments; for violence or fraud can create no right; and the ſame conſent gives the form to them all, how much ſoever they differ from each other. Some ſmall numbers of men, living within the precincts of one city, have, as it were, caſt into a common ſtock, the right

which they had of governing themſelves and children, and by common conſent joining in one body, exerciſed ſuch power over every ſingle perſon as ſeemed beneficial to the whole; and this men call perfect Democracy. Others choſe rather to be governed by a ſelect number of ſuch as moſt excelled in wiſdom and virtue; and this, according to the ſignification of the word, was called Ariſtocracy: Or when one man excelled all others, the government was put into his hands under the name of Monarchy. But the wiſeſt, beſt, and far the greateſt part of mankind, rejecting theſe ſimple ſpecies, did form governments mixed or compoſed of the three, as ſhall be proved hereafter, which commonly received their reſpective denomination from the part that prevailed, and did deſerve praiſe or blame, as they were well or ill proportioned.

It were a folly hereupon to ſay, that the liberty for which we contend, is of no uſe to us, ſince we cannot endure the ſolitude, barbarity, weakneſs, want, miſery and dangers that accompany it whilſt we live alone, nor can enter into a ſociety without reſigning it; for the choice of that ſociety, and the liberty of framing it according to our own wills, for our own good, is all we ſeek. This remains to us whilſt we form governments, that we ourſelves are judges how far 'tis good for us to recede from our natural liberty; which is of ſo great importance, that from thence only we can know whether we are freemen or ſlaves; and the difference between the beſt government and the worſt, doth wholly depend upon a right or wrong exerciſe of that power. If men are naturally free, ſuch as have wiſdom and underſtanding will always frame good governments: But if they are born under the neceſſity of a perpetual ſlavery, no wiſdom can be of uſe to them; but all muſt for

ever

ever depend on the will of their lords, how cruel, mad, proud or wicked ſoever they be.

SECT. XI.

No man comes to command many, unleſs by conſent or by force.

BUT becauſe I cannot believe God hath created man in ſuch a ſtate of miſery and ſlavery as I juſt now mentioned; by diſcovering the vanity of our author's whimſical patriarchical kingdom, I am led to a certain concluſion, that every father of a family is free and exempt from the domination of any other, as the ſeventy two that went from Babel were. 'Tis hard to comprehend how one man can come to be maſter of many, equal to himſelf in right, unleſs it be by conſent or by force. If by conſent, we are at an end of our controverſies: Governments, and the magiſtrates that execute them, are created by man. They who give a being to them, cannot but have a right of regulating, limiting and directing them as beſt pleaſeth themſelves; and all our author's aſſertions concerning the abſolute power of one man, fall to the ground: If by force, we are to examine how it can be poſſible or juſtifiable. This ſubduing by force we call conqueſt; but as he that forceth muſt be ſtronger than thoſe that are forced, to talk of one man who in ſtrength exceeds many millions of men, is to go beyond the extravagance of fables and romances. This wound is not cured by ſaying, that he firſt conquers one, and then more, and with their help others; for as to matter of fact, the firſt news we hear of Nimrod is, that he reigned over a great multitude, and built vaſt cities; and we know of no kingdom in the world, that did not begin with a greater number

than any one man could poſſibly ſubdue. If they who chuſe one to be their head, did under his conduct ſubdue others, they were fellow conquerors with him; and nothing can be more brutiſh, than to think, that by their virtue and valour they had purchaſed perpetual ſlavery to themſelves and their poſterity. But if it were poſſible, it could not be juſtifiable; and whilſt our diſpute is concerning right, that which ought not to be is no more to be received, than if it could not be. No right can come by conqueſt, unleſs there were a right of making that conqueſt, which, by reaſon of the equality that our author confeſſes to have been amongſt the heads of families, and as I have proved goes into infinity, can never be on the aggreſſor's ſide. No man can juſtly impoſe any thing upon thoſe who owe him nothing. Our author therefore, who "aſcribes the enlargement of Nimrod's kingdom to "uſurpation and tyranny," might as well have acknowledged the ſame in the beginning, as he ſays all other authors have done. However, he ought not to have imputed to Sir Walter Raleigh an approbation of his right, as lord or king over his family; for he could never think him to be a lord by the right of a father, who by that rule muſt have lived and died a ſlave to his fathers that overlived him. Whoſoever therefore like Nimrod grounds his pretenſions of right upon uſurpation and tyranny, declares himſelf to be, like Nimrod, a uſurper and a tyrant, that is an enemy to God and man, and to have no right at all. That which was unjuſt in its beginning, can of itſelf never change its nature. "Tempus in "ſe, ſaith Grotius, nullam habet vim effectri-"cem." He that perſiſts in doing injuſtice, aggravates it, and takes upon himſelf all the guilt of his predeceſſors. But if there be a king in the world,

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that claims a right by conqueſt, and would juſtify it, he might do well to tell whom he conquered, when, with what aſſiſtance, and upon what reaſon he undertook the war; for he can ground no title upon the obſcurity of an unſearchable antiquity; and if he does it not, he ought to be looked upon as a uſurping Nimrod.

SECT. XII.

The pretended paternal right is diviſible or indiviſible: if diviſible, 'tis extinguiſhed; if indiviſible, univerſal.

THIS paternal right to regality, if there be any thing in it, is diviſible or indiviſible; if indiviſible, as Adam hath but one heir, one man is rightly lord of the whole world, and neither Nimrod nor any of his ſucceſſors could ever have been kings, nor the ſeventy two that went from Babylon: Noah ſurvived him near two hundred years: Shem continued one hundred and fifty years longer. The dominion muſt have been in him, and by him tranſmitted to his poſterity for ever. Thoſe that call themſelves kings in all other nations, ſet themſelves up againſt the law of God and nature: This is the man we are to ſeek out, that we may yeild obedience to him. I know not where to find him; but he muſt be of the race of Abraham. Shem was preferred before his brethren: the inheritance that could not be divided muſt come to him, and from him to Iſaac, who was the firſt of his deſcendants that outlived him. 'Tis pity that Jacob did not know this, and that the lord of all the earth, through ignorance of his title, ſhould be forced to keep one of his ſubjects ſheep for wages; and ſtrange, that he who had wit enough to ſupplant his brother, did ſo little underſtand his own bargain,

gain, as not to know that he had bought the perpetual empire of the world. If in conſcience he could not take ſuch a price for a diſh of pottage, it muſt remain in Eſau: However our lord paramount muſt come from Iſaac. If the deed of ſale made by Eſau be good, we muſt ſeek him amongſt the Jews; if he could not ſo eaſily diveſt himſelf of his right, it muſt remain amongſt his deſcendants, who are Turks. We need not ſcruple the reception of either, ſince the late Scots act tells us, "That "kings derive their royal power from God alone; "and no difference of religion, &c. can divert "the right of ſucceſſion." But I know not what we ſhall do, if we cannot find this man; for "de "non apparentibus & non exiſtentibus eadem eſt "ratio." The right muſt fall if there be none to inherit: If we do not know who he is that hath the right, we do not know who is near to him: All mankind muſt inherit the right, to which every one hath an equal title; and that which is dominion, if in one, when 'tis equally divided among all men, is that univerſal liberty which I aſſert. Wherefore I leave it to the choice of ſuch as have inherited our author's opinions, to produce this Jew or Turk that ought to be lord of the whole earth, or to prove a better title in ſome other perſon, and to perſuade all the princes and nations of the world to ſubmit: If this be not done, it muſt be confeſſed this paternal right is a meer whimſical fiction, and that no man by birth hath a right above another, or can have any, unleſs by the conceſſion of thoſe who are concerned.

If this right to an univerſal empire be diviſible, Noah did actually divide it among his three ſons: ſeventy and two abſolute monarchs did at once ariſe out of the multitude that had aſſembled at Babel:

Noah,

Noah, nor his ſons, nor any of the holy ſeed, nor probably any elder than Nimrod having been there, many other monarchs muſt neceſſarily have ariſen from them. Abraham, as our author ſays, was a king: Lot muſt have been ſo alſo; for they were equals: his ſons Ammon and Moab had no dependance upon the deſcendants of Abraham. Iſmael and Eſau ſet up for themſelves, and great nations came of them: Abraham's ſons by Keturah did ſo alſo; that is to ſay, every one as ſoon as he came to be of age to provide for himſelf, did ſo, without retaining any dependance upon the ſtock from whence he came: Thoſe of that ſtock, or the head of it, pretended to no right over thoſe who went from them. Nay, nearneſs in blood was ſo little regarded, that tho' Lot was Abraham's brother's ſon, Eliezer his ſervant had been his heir, if he had died childleſs. The like continued amongſt Jacob's ſons; no juriſdiction was given to one above the reſt: an equal diviſion of land was made amongſt them: Their judges and magiſtrates were of ſeveral tribes and families, without any other preference of one before another, than what did ariſe from the advantages God had given to any particular perſon. This I take to be a proof of the utmoſt extent and certainty, that the equality amongſt mankind was then perfect: He therefore that will deny it to be ſo now, ought to prove that neither the prophets, patriarchs, or any other men did ever underſtand or regard the law delivered by God and nature to mankind; or that having been common and free at the firſt, and ſo continued for many hundreds of years after the flood, it was afterwards aboliſhed, and a new one introduced. He that aſſerts this muſt prove it; but till it does appear to us, when, where, how, and by whom this was done,

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we may ſafely believe there is no ſuch thing; and that no man is or can be a lord amongſt us, till we make him ſo; and that by nature we are all brethren.

Our author, by endeavouring farther to illuſtrate the patriarchical power, deſtroys it, and cannot deny to any man the right which he acknowledges to have been in Iſmael and Eſau. But if every man hath a right of ſetting up for himſelf with his family, or before he has any, he cannot but have a right of joining with others if he pleaſes. As his joining or not joining with others, and the choice of thoſe others depends upon his own will, he cannot but have a right of judging upon what conditions 'tis good for him to enter into ſuch a ſociety, as muſt neceſſarily hinder him from exerciſing the right which he has originally in himſelf. But as it cannot be imagined that men ſhould generally put ſuch fetters upon themſelves, unleſs it were in expectation of a greater good that was thereby to accrue to them, no more can be required to prove that they do voluntarily enter into theſe ſocieties, inſtitute them for their own good, and preſcribe ſuch rules and forms to them as beſt pleaſe themſelves, without giving account to any. But if every man be free, till he enter into ſuch a ſociety as he chuſeth for his own good, and thoſe ſocieties may regulate themſelves as they think fit; no more can be required to prove the natural equality in which all men are born, and continue, till they reſign it as into a common ſtock, in ſuch meaſure as they think fit for the conſtituting of ſocieties for their own good, which I aſſert, and our author denies.

SECT.

SECT. XIII.

There was no ſhadow of a paternal kingdom amongſt the Hebrews, nor precept for it.

OUR author is ſo modeſt to confeſs, that Jacob's kingdom conſiſting of ſeventy two perſons, was ſwallowed up by the power of the greater monarch Pharaoh: But if this was an act of tyranny, 'tis ſtrange that the ſacred and eternal right, grounded upon the immutable laws of God and nature, ſhould not be reſtored to God's choſen people, when he delivered them from that tyranny. Why was not Jacob's monarchy conferred upon his right heir? How came the people to neglect a point of ſuch importance? Or if they did forget it, why did not Moſes put them in mind of it? Why did not Jacob declare to whom it did belong? Or if he is underſtood to have declared it, in ſaying the ſcepter ſhould not depart from Judah, why was it not delivered into his hands, or into his heirs? If he was hard to be found in a people of one kindred, but four degrees removed from Jacob their head, who were exact in obſerving genealogies, how can we hope to find him after ſo many thouſand years, when we do not ſo much as know from whom we are derived? Or rather how comes that right, which is eternal and univerſal, to have been nipp'd in the bud, and ſo aboliſhed before it could take any effect in the world, as never to have been heard of amongſt the Gentiles, nor the people of God, either before or after the captivity, from the death of Jacob to this day? This I aſſert, and I give up the cauſe if I do not prove it. To this end I begin with Moſes and Aaron the firſt rulers of the people, who were neither of the eldeſt tribe according to birth,

nor

nor the diſpoſition of Jacob, if he did, or could give it to any; nor were they of the eldeſt line of their own tribe; and even between them the ſuperiority was given to Moſes, who was the younger, as 'tis ſaid, "I have made thee a God to Pharaoh, and "Aaron thy brother ſhall be thy prophet." If Moſes was a king, as our author ſays, but I deny, and ſhall hereafter prove, the matter is worſe: He muſt have been an uſurper of a moſt unjuſt dominion over his brethren; and this patriarchical power, which by the law of God was to be perpetually fixed in his deſcendants, periſhed with him, and his ſons continued in an obſcure rank amongſt the Levites. Joſhua of the tribe of Ephraim ſucceeded him; Othniel was of Judah, Ehud of Benjamin, Barak of Napthalim, and Gideon of Manaſſeh. The other judges were of ſeveral tribes; and they being dead, their children lay hid amongſt the common people, and we hear no more of them. The firſt king was taken out of the leaſt family of the leaſt and youngeſt tribe. The ſecond, whilſt the children of the firſt king were yet alive, was the youngeſt of eight ſons of an obſcure man in the tribe of Judah: Solomon one of his youngeſt ſons ſucceeded him: Ten tribes deſerted Rehoboam, and by the command of God ſet up Jeroboam to be their king. The kingdom of Iſrael by the deſtruction of one family paſſed into another: That of Judah by God's peculiar promiſe continued in David's race till the captivity; but we know not that the eldeſt ſon was ever preferred, and have no reaſon to preſume it. David their moſt reverenced king left no precept for it, and gave an example to the contrary: He did not ſet up the eldeſt, but the wiſeſt. After the captivity they who had moſt wiſdom or valour to defend the people, were thought moſt fit to command; and

and the kingdom at the laſt came to the Aſmonean race, whilſt the poſterity of David was buried in the maſs of the common people, and utterly deprived of all worldly rule or glory. If the judges had not a regal power, or the regal were only juſt, as inſtituted by God, and eternally annexed to paternity, all that they did was evil: There could be nothing of juſtice in the powers exerciſed by Moſes, Joſhua, Gideon, Samuel, and the reſt of the judges. If the power was regal and juſt, it muſt have continued in the deſcendants of the firſt: Saul, David and Solomon could never have been kings: The right failing in them, their deſcendants could inherit none from them; and the others after the captivity were guilty of the like injuſtice.

Now as the rule is not general, to which there is any one juſt exception, there is not one of theſe examples that would not overthrow our author's doctrine: If one deviation from it were lawful, another might be, and ſo to infinity. But the utmoſt degree of impudent madneſs to which perhaps any man in the world hath ever arrived, is to aſſert that to be univerſal and perpetual, which cannot be verified by any one example to have been in any place of the world, nor juſtified by any precept.

If it be objected, that all theſe things were done by God's immediate diſpoſition: I anſwer, that it were an impious madneſs to believe that God did perpetually ſend his prophets to overthrow what he had ordained from the beginning, and as it were in ſpite to bring the minds of men into inextricable confuſion and darkneſs; and by particular commands to overthrow his univerſal and eternal law. But to render this point more clear, I deſire it may be conſidered, that we have but three ways of diſtinguiſhing between good and evil.

1. When

1. When God by his word reveals it to us.

2. When by his deeds he declareth it; becauſe that which he does is good, as that which he ſays is true.

3. By the light of reaſon, which is good, in as much as it is from God.

And firſt; It cannot be ſaid we have an explicit word for that continuance of the power in the eldeſt; for it appears not, and having none, we might conclude it to be left to our liberty: For it agrees not with the Goodneſs of god to leave us in a perpetual ignorance of his will in a matter of ſo great importance, nor to have ſuffered his own people, or any other to perſiſt, without the leaſt reproof or admonition, in a perpetual oppoſition to it, if it had diſpleaſed him.

To the 2d. The diſpenſations of his providence, which are the emanations of his will, have gone contrary to this pretended law: There can therefore be no ſuch thing; for God is conſtant to himſelf: His works do not contradict his word, and both of them do equally declare to us that which is good.

Thirdly; If there be any precept that by the light of nature we can in matters of this kind look upon as certain, 'tis that the government of a people ſhould be given to him that can beſt perform the duties of it: No man has it for himſelf, or from himſelf; but for and from thoſe who before he had it were his equals, that he may do good to them. If there were a man, who in wiſdom, valour, juſtice and purity, ſurpaſſed all others, he might be called a king by nature, becauſe he is beſt able to bear the weight of ſo great a charge; and like a good ſhepherd to lead the people to good. Detur digniori is the voice of reaſon; and that we may be ſure Detur

ſeniori

ſeniori is not ſo, Solomon tells us, " That a wiſe " child is better than an old and fooliſh king." But if this pretended right do not belong to him that is truly the eldeſt, nothing can be more abſurd than a fantaſtical pretence to a right deduced from him that is not ſo. Now leſt I ſhould be thought to follow my own inventions, and call them reaſon, or the light of God in us, I deſire it may be obſerved that God himſelf has ever taken this method. When he raiſed up Moſes to be the leader of his people, he endowed him with the moſt admirable gifts of his ſpirit that ever he beſtowed upon a man: When he choſe ſeventy men to aſſiſt him, he endowed them with the ſame ſpirit. Joſhua had no other title to ſucceed him than the like evidence of God's preſence with him. When the people through ſin fell into miſery, he did not ſeek out their deſcendants, nor ſuch as boaſted in a prerogative of birth; but ſhewed whom he deſigned for their deliverer, by beſtowing ſuch gifts upon him as were required for the performance of his work; and never fail'd of doing this, till that miſerable ſinful people rejecting God and his government, deſired that which was in uſe among their accurſed neighbours, that they might be as like to them in the moſt ſhameful ſlavery to man, as in the worſhip of idols ſet up againſt God.

But if this pretended right be grounded upon no word or work of God, nor the reaſon of man, 'tis to be accounted a meer figment, that hath nothing of truth in it.

SECT. XIV.

If the paternal right had included dominion, and was to be transferred to a ſingle heir, it muſt periſh if he were not known; and could be applied to no other perſon.

HAVING ſhewed that the firſt kings were not fathers, nor the firſt fathers kings; that all the kings of the Jews and Gentiles mentioned in ſcripture came in upon titles different from, and inconſiſtent with that of paternity; and that we are not led by the word nor the works of God, nor the reaſon of man, or light of nature to believe there is any ſuch thing, we may ſafely conclude there never was any ſuch thing, or that it never had any effect, which to us is the ſame. 'Tis as ridiculous to think of retrieving that, which from the beginning of the world was loſt, as to create that which never was. But I may go farther, and affirm, that tho' there had been ſuch a right in the firſt fathers of mankind exerciſed by them, and for ſome ages individually tranſmitted to their eldeſt ſons, it muſt neceſſarily periſh, ſince the generations of men are ſo confuſed, that no man knows his own original, and conſequently this heir is no where to be found; for 'tis a folly for a man to pretend to an inheritance, who cannot prove himſelf to be the right heir. If this be not true, I deſire to know from which of Noah's ſons the kings of England, France, or Spain do deduce their original, or what reaſon they can give why the title to dominion, which is fancied to be in Noah, did rather belong to the firſt of their reſpective races, that attained to the crowns they now enjoy, than to the meaneſt peaſant of their kingdoms; or how that can be tranſmitted to them, which

which was not in the firſt. We know that no man can give what he hath not; that if there be no giver, there is no gift; if there be no root, there can be no branch; and that the firſt point failing, all that ſhould be derived from it muſt neceſſarily fail.

Our author, who is good at reſolving difficulties, ſhews us an eaſy way out of this ſtrait. "'Tis "true, ſays he, all kings are not natural parents of "their ſubjects; yet they either are, or are to be "reputed the next heirs to thoſe firſt progenitors, "who were at firſt the natural parents of the whole "people, and in their right ſucceed to the exerciſe "of the ſupreme juriſdiction; and ſuch heirs are "not only lords of their own children, but alſo of "their brethren, and all thoſe that were ſubject to "their father, &c. By this means it comes to paſs, "that many a child ſucceeding a king hath the right "of a father over many a grey-headed multitude, "and hath the title of Pater patriæ."

An aſſertion comprehending ſo many points, upon which the moſt important rights of all mankind do depend, might deſerve ſome proof: But he being of opinion we ought to take it upon his credit, doth not vouchſafe to give us ſo much as the ſhadow of any. Nevertheleſs being unwilling either crudely to receive, or raſhly to reject it, I ſhall take the liberty of examining the propoſition, and hope I may be pardoned, if I dwell a little more than ordinarily upon that which is the foundation of his work.

We are beholden to him for confeſſing modeſtly that all kings are not the natural fathers of their people, and ſparing us the pains of proving, that the kings of Perſia, who reigned from the Indies to the Helleſpont, did not beget all the men that lived

in thoſe countries; or that the kings of France and Spain, who began to reign before they were five years old, were not the natural fathers of the nations under them. But if all kings are not fathers, none are, as they are kings: If any one is, or ever was, the rights of paternity belong to him, and to no other who is not ſo alſo. This muſt be made evident; for matters of ſuch importance require proof, and ought not to be taken upon ſuppoſition. If Filmer therefore will pretend that the right of father belongs to any one king, he muſt prove that he is the father of his people; for otherwiſe it doth not appertain to him; he is not the man we ſeek.

'Tis no leſs abſurd to ſay he is to be reputed heir to the firſt progenitor: For it muſt be firſt proved, that the nation did deſcend from one ſingle progenitor without mixture of other races: That this progenitor was the man, to whom Noah (according to Filmer's whimſical diviſion of Aſia, Europe, and Africa among his ſons) did give the land now inhabited by that people: That this diviſion ſo made was not capable of ſubdiviſions; and that this man is by a true and uninterrupted ſucceſſion deſcended from the firſt and eldeſt line of that progenitor; and all fails if every one of theſe points be not made good. If there never was any ſuch man who had that right, it cannot be inherited from him. If by the ſame rule that a parcel of the world was allotted to him, that parcel might be ſubdivided amongſt his children as they increaſed, the ſubdiviſions may be infinite, and the right of dominion thereby deſtroyed. If ſeveral nations inhabit the ſame land, they owe obedience to ſeveral fathers: that which is due to their true father, cannot be rendered to him that is not ſo; for he would by that means be deprived of the right which is inſeparably annexed to his perſon:

And laſtly, whatſoever the right of an heir may be, it can belong only to him that is heir.

Leſt any ſhould be ſeduced from theſe plain truths by frivolous ſuggeſtions, 'tis good to conſider that the title of Pater patriæ, with which our author would cheat us, hath no relation to the matters of right, upon which we diſpute. 'Tis a figurative ſpeech, that may have been rightly enough applied to ſome excellent princes on account of their care and love to their people, reſembling that of a father to his children; and can relate to none but thoſe who had it. No man that had common ſenſe, or valued truth, did ever call Phalaris, Dionyſius, Nabis, Nero, or Caligula, Fathers of their countries; but monſters, that to the utmoſt of their power endeavoured their deſtruction: which is enough to prove, that ſacred name cannot be given to all, and in conſequence to none but ſuch, as by their virtue, piety, and good government do deſerve it.

Theſe matters will yet appear more evident, if it be conſidered, that tho' Noah had reigned as a king; that Zoroaſter, as ſome ſuppoſe, was Ham, who reigned over his children, and that thereby ſome right might perhaps be derived to ſuch as ſucceeded them; yet this can have no influence upon ſuch as have not the like original; and no man is to be preſumed to have it, till it be proved, ſince we have proved that many had it not. If Nimrod ſet himſelf up againſt his grandfather, and Ninus, who was deſcended from him in the fifth generation, ſlew him; they ill deſerved the name and rights of fathers; and none, but thoſe who have renounced all humanity, virtue, and common ſenſe, can give it to them, or their ſucceſſors. If therefore Noah and Shem had not ſo much as the ſhadow of regal power, and the actions of Nimrod, Ninus, and

others who were kings in their times, ſhew they did not reign in the right of fathers, but were ſet up in a direct oppoſition to it, the titles of the firſt kings were not from paternity, nor conſiſtent with it.

Our author therefore, who ſhould have proved every point, doth neither prove any one, nor aſſert that which is agreeable to divine or human ſtory, as to matter of fact; and as little conformable to common ſenſe. Is does not only appear contrary to his general propoſition, that all governments have not begun with the paternal power; but we do not find that any ever did. They who according to his rules ſhould have been lords of the whole earth, lived and died private men, whilſt the wildeſt and moſt boiſterous of their children commanded the greateſt part of the then inhabited world, not excepting even thoſe countries where they ſpent and ended their days; and inſtead of entering upon the government by the right of fathers, or managing it as fathers, they did by the moſt outrageous injuſtice uſurp a violent domination over their brethren and fathers.

It may eaſily be imagined what the right is that could be thus acquired, and tranſmitted to their ſucceſſors. Nevertheleſs our author ſays, "All kings "either are, or ought to be reputed next heirs, &c." But why reputed, if they were not? How could any of the accurſed race of Ham be reputed father of Noah or Shem, to whom he was to be a ſervant? How could Nimrod and Ninus be reputed fathers of Ham, and of thoſe whom they ought to have obeyed? Can reaſon oblige me to believe that which I know to be falſe? Can a lie, that is hateful to God and good men, not only be excuſed, but enjoined, when (as he will perhaps ſay) it is for the king's ſervice? Can I ſerve two maſters, or without the

the moſt unpardonable injuſtice, repute him to be my father, who is not my father; and pay the obedience that is due to him who did beget and educate me, to one from whom I never received any good? If this be ſo abſurd, that no man dares affirm it in the perſon of any, 'tis as prepoſterous in relation to his heirs: For Nimrod the firſt king could be heir to no man as king, and could tranſmit to no man a right which he had not. If it was ridiculous and abominable to ſay that he was father of Chuſh, Ham, Shem and Noah; 'tis as ridiculous to ſay, he had the right of father, if he was not their father; or that his ſucceſſors inherited it from him, if he never had it. If there be any way through this, it muſt have accrued to him by the extirpation of all his elders, and their races; ſo as he who will aſſert this pretended right to have been in the Babylonian kings, muſt aſſert, that Noah, Shem, Japhet, Ham, Chuſh, and all Nimrod's elder brothers, with all their deſcendants, were utterly extirpated before he began to reign, and all mankind to be deſcended from him.

This muſt be, if Nimrod, as the ſcripture ſays, was the firſt that became mighty in the earth; unleſs men might be kings, without having more power than others; for Chuſh, Ham and Noah were his elders and progenitors in the direct line, and all the ſons of Shem and Japhet, and their deſcendants in the collaterals, were to be preferred before him; and he could have no right at all, that was not directly contrary to thoſe principles which, our author ſays, are grounded upon the eternal and indiſpenſable laws of God and nature. The like may be ſaid of the ſeventy two heads of colonies, which (following, as I ſuppoſe, Sir Walter Raleigh) he ſays, went out to people the earth, and whom

he calls kings: for, according to the ſame rule, Noah, Shem, and Japhet, with their deſcendants, could not be of the number; ſo that neither Nimrod, nor the others that eſtabliſhed the kingdoms of the world, and from whence he thinks all the reſt to be derived, could have any thing of juſtice in them, unleſs it were from a root altogether inconſiſtent with his principles. They are therefore falſe, or the eſtabliſhments before mentioned could have no right. If they had none, they cannot be reputed to have any; for no man can think that to be true, which he knows to be falſe: having none, they could tranſmit none to their heirs and ſucceſſors. And if we are to believe, that all the kingdoms of the earth are eſtabliſhed upon this paternal right; it muſt be proved that all thoſe, who in birth ought to have been preferred before Nimrod, and the ſeventy two were extirpated; or that the firſt and true heir of Noah did afterwards aboliſh all theſe unjuſt uſurpations; and making himſelf maſter of the whole, left it to his heirs, in whom it continues to this day. When this is done, I will acknowledge the foundation to be well laid, and admit of all that can be rightly built upon it; but if this fails, all fails: The poiſon of the root continues in the branches. If the right heir be not in poſſeſſion, he is not the right who is in poſſeſſion: If the true heir be known, he ought to be reſtored to his right: If he be not known, the right muſt periſh: That cannot be ſaid to belong to any man, if no man knows to whom it belongs, and can have no more effect than if it were not. This concluſion will continue unmoveable, tho' the diviſion into ſeventy two kingdoms were allowed; which cannot be without deſtroying the paternal power, or ſubjecting it to be ſubdivided into as many parcels

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as there are men, which deſtroys regality; for the ſame thing may be required in every one of the diſtinct kingdoms, and others derived from them. We muſt know who was that true heir of Noah, that recovered all: How, when, and to whom he gave the ſeveral portions; and that every one of them do continue in the poſſeſſion of thoſe, who by this prerogative of birth are raiſed above the reſt of mankind; and if they are not, 'tis an impious folly to repute them ſo, to the prejudice of thoſe that are; and if they do not appear, to the prejudice of all mankind, who being equal, are thereby made ſubject to them. For as truth is the rule of juſtice; there can be none, when he is reputed ſuperior to all who is certainly inferior to

[In this place two pages are wanting in the original manuſcript.]

—degenerated from that reaſon which diſtinguiſheth men from beaſts. Tho' it may be fit to uſe ſome ceremonies, before a man be admitted to practiſe phyſick, or ſet up a trade, 'tis his own ſkill that makes him a doctor or an artificer, and others do but declare it. An aſs will not leave his ſtupidity, tho' he be covered with ſcarlet; and he that is by nature a ſlave, will be ſo ſtill, tho' a crown be put upon his head: and 'tis hard to imagine a more violent inverſion of the laws of God and nature, than to raiſe him to the throne, whom nature intended for the chain; or to make them ſlaves to ſlaves, whom God hath endued with the virtues required in kings. Nothing can be more prepoſterous, than to impute to God the frantick domination, which is often exerciſed by wicked, fooliſh and vile perſons, over the wiſe, valiant, juſt and good; or to ſubject the beſt to the rage of the worſt. If there

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be any family therefore in the world, that can by the law of God and nature, diſtinct from the ordinance of man, pretend to an hereditary right of dominion over any people, it muſt be one that never did, and never can produce any perſon that is not free from all the infirmities and vices that render him unable to exerciſe the ſovereign power; and is endued with all the virtues required to that end; or at leaſt a promiſe from God, verified by experience, that the next in blood ſhall ever be able and fit for that work. But ſince we do not know that any ſuch hath yet appeared in the world, we have no reaſon to believe that there is, or ever was any ſuch; and conſequently none upon whom God hath conferred the rights that cannot be exerciſed without them.

If there was no ſhadow of a paternal right in the inſtitution of the kingdoms of Saul and David, there could be none in thoſe that ſucceeded. Rehoboam could have no other, than from Solomon: When he reigned over two tribes, and Jeroboam over ten, 'tis not poſſible that both of them could be the next heir of their laſt common father Jacob; and 'tis abſurd to ſay, that ought to be reputed, which is impoſſible: for our thoughts are ever to be guided by truth, or ſuch an appearance of it, as doth perſuade or convince us.

The ſame title of Father is yet more ridiculouſly or odiouſly applied to the ſucceeding kings. Baaſha had no other title to the crown, than by killing Nadab the ſon of Jeroboam, and deſtroying his family. Zimri purchaſed the ſame honour by the ſlaughter of Elah when he was drunk; and dealing with the houſe of Baaſha, as he had done with that of Jeroboam. Zimri burning himſelf, tranſferred the ſame to Omri, as a reward for bringing him

him to that extremity. As Jehu was more fierce than theſe, he ſeems to have gained a more excellent recompence than any ſince Jeroboam, even a conditional promiſe of a perpetual kingdom; but falling from theſe glorious privileges, purchaſed by his zeal in killing two wicked kings, and above one hundred of their brethren, Shallum inherited them, by deſtroying Zachary and all that remained of his race. This in plain Engliſh is no leſs than to ſay, that whoſoever kills a king, and invades a crown, tho' the act and means of accompliſhing it be never ſo deteſtable, does thereby become father of his country, and heir of all the divine privileges annexed to that glorious inheritance. And tho' I cannot tell whether ſuch a doctrine be more ſottiſh, monſtrous or impious, I dare affirm, that if it were received, no king in the world could think himſelf ſafe in his throne for one day: They are already encompaſſed with many dangers; but leſt pride, avarice, ambition, luſt, rage, and all the vices that uſually reign in the hearts of worldly men, ſhould not be ſufficient to invite them perpetually to diſturb mankind, through the deſire of gaining the power, riches and ſplendor that accompanies a crown, our author propoſes to them the moſt ſacred privileges, as a reward of the moſt execrable crimes. He that was ſtirred up only by the violence of his nature, thought that a kingdom could never be bought at too dear a rate;

——————" Pro regno velim
" Patriam, penates, conjugem flammis dare:
" Imperia precio quolibet conſtant bene."
SENEC. THEB.

But if the ſacred character of God's anointed or vicegerent, and father of a country, were added to the other

other advantages that follow the higheſt fortunes; the moſt modeſt and juſt men would be filled with fury, that they might attain to them. Nay, it may be, even the beſt would be the moſt forward in conſpiring againſt ſuch as reigned: They who could not be tempted with external pleaſures, would be moſt in love with divine privileges; and ſince they ſhould become the ſacred miniſters of God, if they ſucceeded, and traitors or rogues only if they miſcarried, their only care would be ſo to lay their deſigns, that they might be ſurely executed. This is a doctrine worthy of Filmer's invention, and Heylin's approbation; which being well weighed, will ſhew to all good and juſt kings how far they are obliged to thoſe, who under pretence of advancing their authority, fill the minds of men with ſuch notions as are ſo deſperately pernicious to them.

SECT. XVI.

The ancients choſe thoſe to be kings, who excelled in the virtues that are moſt beneficial to civil ſocieties.

IF the Iſraelites, whoſe lawgiver was God, had no king in the firſt inſtitution of their government, 'tis no wonder that other nations ſhould not think themſelves obliged to ſet up any: if they who came all of one ſtock, and knew their genealogies, when they did inſtitute kings, had no regard to our author's chimerical right of inheritance, nor were taught by God or his prophets to have any; 'tis not ſtrange that nations, who did not know their own original, and who probably, if not certainly, came of ſeveral ſtocks, never put themſelves to the trouble of ſeeking one, who by his birth deſerved to be preferred before others: and if the various changes happening in all kingdoms (whereby

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in proceſs of time the crowns were tranſported into divers families, to which the right of inheritance could not without the utmoſt impiety and madneſs be imputed) ſuch a fancy certainly could only enter into the heads of fools; and we know of none ſo fooliſh to have harboured it.

The Grecians, amongſt others who followed the light of reaſon, knew no other original title to the government of a nation, than that wiſdom, valour and juſtice, which was beneficial to the people. Theſe qualities gave beginning to thoſe governments, which we call Heroum Regna; and the veneration paid to ſuch as enjoyed them, proceeded from a grateful ſenſe of the good received from them: They were thought to be deſcended from the gods, who in virtue and beneficence ſurpaſſed other men: The ſame attended their deſcendants, till they came to abuſe their power, and by their vices ſhewed themſelves like to, or worſe than others. Thoſe nations did not ſeek the moſt antient, but the moſt worthy; and thought ſuch only worthy to be preferred before others, who could beſt perform their duty. The Spartans knew that Hercules and Achilles were not their fathers, for they were a nation before either of them were born; but thinking their children might be like to them in valour, they brought them from Thebes and Epirus to be their kings. If our author is of another opinion, I deſire to know, whether the Heraclidæ, or the Æacidæ were, or ought to be reputed fathers of the Lacedemonians; for if the one was, the other was not.

The ſame method was followed in Italy; and they who eſteemed themſelves Aborigines,

——— "Qui rupto robore nati
"Compoſitive luto, nullos habuere parentes."
JUVEN. Sat. 6.

could

could not ſet up one to govern them under the title of Parent. They could pay no veneration to any man under the name of a common father, who thought they had none; and they who eſteemed themſelves equal, could have no reaſon to prefer any one; unleſs he were diſtinguiſhed from others by the virtues that were beneficial to all. This may be illuſtrated by matters of fact. Romulus and Remus, the ſons of a nun, conſtuprated, as is probable, by a luſty ſoldier, who was ſaid to be Mars, for their vigour and valour were made heads of a gathered people. We know not that ever they had any children; but we are ſure they could not be fathers of the people that flocked to them from ſeveral places, nor in any manner be reputed heirs of him or them that were ſo; for they never knew who was their own father; and when their mother came to be diſcovered, they ought to have been ſubjects to Amulius or Numitor, when they had ſlain him. They could not be his heirs whilſt he lived, and were not when he died: The government of the Latins continued at Alba, and Romulus reigned over thoſe who joined with him in building Rome. The power not coming to him by inheritance, muſt have been gained by force, or conferred upon him by conſent: It could not be acquired by force; for one man could not force a multitude of fierce and valiant men, as they appear to have been. It muſt therefore have been by conſent: And when he aimed at more authority than they were willing to allow, they ſlew him. He being dead, they fetched Numa from among the Sabines: He was not their father, nor heir to their father, but a ſtranger; not a conqueror, but an unarmed philoſopher. Tullus Hoſtilius had no other title: Ancus Martius was no way related to ſuch as had reigned. The firſt Tarquin was the

ſon of a baniſhed Corinthian. Servius Tullus came to Rome in the belly of his captive mother, and could inherit nothing but chains from his vanquiſh'd father. Tarquin the proud murdered him, and firſt took upon himſelf the title of king, "ſine juſſu po-" puli*." If this murder and uſurpation be called a conqueſt, and thought to create a right, the effect will be but ſmall: The conqueror was ſoon conquered, baniſhed, and his ſons ſlain, after which we hear no more of him or his deſcendants. Whatſoever he gained from Servius, or the people, was ſoon loſt, and did accrue to thoſe that conquered and ejected him; and they might retain what was their own, or confer it upon one or more, in ſuch manner and meaſure as beſt pleaſed themſelves. If the regal power, which our author ſays was in the conſuls, could be divided into two parts, limited to a year, and ſuffer ſuch reſtrictions as the people pleaſed to lay upon it, they might have divided it into as many parcels, and put it into ſuch form, as beſt ſuited with their inclinations; and the ſeveral magiſtracies which they did create for the exerciſe of the kingly, and all other powers, ſhews that they were to give account to none but themſelves.

The Iſraelites, Spartans, Romans and others, who thus framed their governments according to their own will, did it not by any peculiar privilege, but by a univerſal right conferred upon them by God and nature: They were made of no better clay than others: They had no right, that does not as well belong to other nations; that is to ſay, the conſtitution of every government is referred to thoſe who are concerned in it, and no other has any thing to do with it.

* T. Liv.

Yet

Yet if it be aſſerted, that the government of Rome was paternal, or they had none at all; I deſire to know how they came to have ſix fathers of ſeveral families, whilſt they lived under kings; and two or more new ones every year afterwards: Or how they came to be ſo excellent in virtue and fortune, as to conquer the beſt part of the world, if they had no government. Hobbes indeed doth ſcurrilouſly deride Cicero, Plato and Ariſtotle, "Cæteroſque Romanæ & Græcæ anarchiæ fautores." But 'tis ſtrange that this anarchy, which he reſembles to a chaos, full of darkneſs and confuſion, that can have no ſtrength or regular action, ſhould overthrow all the monarchies that came within their reach, "If (as our author ſays) the beſt order, greateſt "ſtrength, and moſt ſtability be in them." It muſt therefore be confeſſed, that theſe governments are, in their various forms, rightly inſtituted by ſeveral nations, without any regard to inheritance; or that theſe nations have had no governments, and were more ſtrong, virtuous and happy without government, than under it, which is moſt abſurd.

But if governments ariſe from the conſent of men, and are inſtituted by men according to their own inclinations, they did therein ſeek their own good; for the will is ever drawn by ſome real good, or the appearance of it. This is that which man ſeeks by all the regular or irregular motions of his mind. Reaſon and paſſion, virtue and vice do herein concur, tho' they differ vaſtly in the objects, in which each of them thinks this good to conſiſt. A people therefore that ſets up kings, dictators, conſuls, pretors or emperors, does it not, that they may be great, glorious, rich or happy, but that it may be well with themſelves and their poſterity. This is not accompliſhed ſimply by ſetting one, a few, or

r more men in the adminiſtration of powers, but by placing the authority in thoſe who may rightly perform their office. This is not every man's work: Valour, integrity, wiſdom, induſtry, experience and ſkill, are required for the management of thoſe military and civil affairs that neceſſarily fall under the care of the chief magiſtrates. He or they therefore may reaſonably be advanced above their equals, who are moſt fit to perform the duties belonging to their ſtations, in order to the publick good, for which they were inſtituted.

Marius, Sylla, Catiline, Julius or Octavius Cæſar, and all thoſe who by force or fraud uſurped a dominion over their brethren, could have no title to this right; much leſs could they become fathers of the people, by uſing all the moſt wicked means that could well be imagined to deſtroy them; and not being regularly choſen for their virtues, or the opinion of them, nor preferred on account of any prerogative that had been from the beginning annexed to their families, they could have no other right than occupation could confer upon them. If this can confer a right, there is an end of all diſputes concerning the laws of God or man. If Julius and Octavius Cæſar did ſucceſſively become lords and fathers of their country, by ſlaughtering almoſt all the ſenate, and ſuch perſons as were eminent for nobility or virtue, together with the major part of the people, it cannot be denied, that a thief, who breaks into his neighbour's houſe, and kills him, is juſtly maſter of his eſtate; and may exact the ſame obedience from his children, that they render to their father. If this right could be transferred to Tiberius, either through the malice of Octavius, or the fraud of his wife; a wet blanket laid over his face, and a few corrupted ſoldiers could inveſt Ca-

ligula with the ſame. A vile raſcal pulling Claudius out by the heels from behind the hangings where he had hid himſelf, could give it to him. A diſh of muſhrooms well ſeaſoned by the infamous ſtrumpet his wife, and a potion prepared for Britannicus by Locuſta, could transfer it to her ſon, who was a ſtranger to his blood. Galba became heir to it, by driving Nero to deſpair and death. Two common ſoldiers, by exciting his guards to kill him, could give a juſt title to the empire of the world to Otho, who was thought to be the worſt man in it. If a company of villains in the German army, thinking it as fit for them as others, to create a father of mankind, could confer the dignity upon Vitellius; and if Veſpaſian, cauſing him to be killed, and thrown into a jakes leſs impure than his life, did inherit all the glorious and ſacred privileges belonging to that title, 'tis in vain to inquire after any man's right to any thing.

If there be ſuch a thing as right or wrong to be examined by men, and any rules ſet, whereby the one may be diſtinguiſhed from the other; theſe extravagancies can have no effect of right. Such as commit them, are not to be looked upon as fathers; but as the moſt mortal enemies of their reſpective countries. No right is to be acknowledged in any, but ſuch as is conferred upon them by thoſe who have the right of conferring, and are concerned in the exerciſe of the power, upon ſuch conditions as beſt pleaſe themſelves. No obedience can be due to him or them, who have not a right of commanding. This cannot reaſonably be conferred upon any, that are not eſteemed willing and able rightly to execute it. This ability to perform the higheſt works that come within the reach of men; and integrity of will not to be diverted from it by any temptation,

temptation, or conſideration of private advantages, comprehending all that is moſt commendable in man; we may eaſily ſee, that whenſoever men act according to the law of their own nature, which is reaſon, they can have no other rule to direct them in advancing one above another, than the opinion of a man's virtue and ability, beſt to perform the duty incumbent upon him; that is, by all means to procure the good of the people committed to his charge. He is only fit to conduct a ſhip, who underſtands the art of a pilot: When we are ſick, we ſeek the aſſiſtance of ſuch as are beſt ſkill'd in phyſick: The command of an army is prudently conferred upon him that hath moſt induſtry, ſkill, experience and valour: In like manner, he only can, according to the rules of nature, be advanced to the dignities of the world, who excels in the virtues required for the performance of the duties annexed to them; for he only can anſwer the end of his inſtitution. The law of every inſtituted power, is to accompliſh the end of its inſtitution, as creatures are to do the will of their creator, and in deflecting from it, overthrow their own being. Magiſtrates are diſtinguiſhed from other men, by the power with which the law inveſts them for the public good: He that cannot or will not procure that good, deſtroys his own being, and becomes like to other men. In matters of the greateſt importance, Detur digniori is the voice of nature; all her moſt ſacred laws are perverted, if this be not obſerved in the diſpoſition of the governments of mankind: But all is neglected and violated, if they are not put into the hands of ſuch as excel in all manner of virtues; for they only are worthy of them, and they only can have a right who are worthy, becauſe they only can perform the end for which they are inſtituted. This may ſeem ſtrange

to thoſe, who have their heads infected with Filmer's whimſeys; but to others, ſo certainly grounded upon truth, that * Bartholomew de las Caſas, biſhop of Chiapa, in a treatiſe written by him, and dedicated to the emperor Charles the fifth, concerning the Indies, makes it the foundation of all his diſcourſe, that notwithſtanding his grant of all thoſe countries from the Pope, and his pretenſions to conqueſt, he could have no right over any of thoſe nations, unleſs he did in the firſt place, as the principal end, regard their good: "The reaſon, ſays "he, is, that regard is to be had to the principal "end and cauſe, for which a ſupreme or univerſal "lord is ſet over them, which is their good and "profit, and not that it ſhould turn to their de-"ſtruction and ruin; for if that ſhould be, there is "no doubt but from thenceforward, that power "would be tyrannical and unjuſt, as tending more "to the intereſt and profit of that lord, than to the "publick good and profit of the ſubjects; which, "according to natural reaſon, and the laws of God "and man, is abhorred, and deſerves to be ab-"horred." And in another place ſpeaking of the governors, who, abuſing their power, brought many troubles and vexations upon the Indians; he ſays, "† They had rendered his majeſty's government "intolerable, and his yoke inſupportable, tyranni-

* La razon es porque ſiempre ſe ha de tener reſpeto al fin y cauſa final, por el qual, el tal ſupremo y univerſal Sennor ſe les pone, que es ſu bien y utilitad; y a que no ſe le convierte el tal ſupremo Sennorio in danno, pernicie y deſtruycion. Porque ſi aſſi fueſſe, no ay que dudar, que non deſde entonees incluſivamente ſeria injuſto, tyrannico y iniquo tal Sennorio, come mas ſe enderezaſſe al proprio intereſſe y provecho del Sennor, que al bien y utilitad comun de los ſubditos; lo qual de la razon natural y de todas las leyes humanas y divinas es abhorrecido y abhorrexible. Bar. de las Caſaſ. deſter. de las Indias, pag. 111.

† El yugo y governacion de Vueſtra Mageſtad importable, Tirannico y degno de todo abhorrecimento. Pag. 167.

"cal,

" cal, and moſt juſtly abhorred." I do not alledge this through an opinion, that a Spaniſh biſhop is of more authority than another man; but to ſhew, that theſe are common notions agreed by all mankind; and that the greateſt monarchs do neither refuſe to hear them, or to regulate themſelves according to them, till they renounce common ſenſe, and degenerate into beaſts.

But if that government be unreaſonable, and abhorred by the laws of God and man, which is not inſtituted for the good of thoſe that live under it; and an empire, grounded upon the donation of the Pope, which amongſt thoſe of the Roman religion is of great importance, and an entire conqueſt of the people, with whom there had been no former compact, do degenerate into a moſt unjuſt and deteſtable tyranny, ſo ſoon as the ſupreme lord begins to prefer his own intereſt or profit, before the good of his ſubjects; what ſhall we ſay of thoſe who pretend to a right of dominion over free nations, as inſeparably united to their perſons, without diſtinction of age or ſex, or the leaſt conſideration of their infirmities and vices; as if they were not placed in the throne for the good of their people, but to enjoy the honours and pleaſures that attend the higheſt fortune? What name can be fit for thoſe, who have no other title to the places they poſſeſs, than the moſt unjuſt and violent uſurpation, or being deſcended from thoſe, who for their virtues were, by the peoples conſent, duly advanced to the exerciſe of a legitimate power; and having ſworn to adminiſter it, according to the conditions upon which it was given, for the good of thoſe who gave it, turn all to their own pleaſure and profit, without any care of the publick? Theſe may be liable to hard cenſures; but thoſe who uſe them

moſt gently, muſt confeſs, that ſuch an extreme deviation from the end of their inſtitution, annuls it; and the wound thereby given to the natural and original rights of thoſe nations cannot be cured, unleſs they reſume the liberties, of which they have been deprived, and return to the ancient cuſtom of chuſing thoſe to be magiſtrates, who for their virtues beſt deſerve to be preferred before their brethren, and are endowed with thoſe qualities that beſt enable men to perform the great end of providing for the public ſafety.

SECT. XVII.

God having given the government of the world to no one man, nor declared how it ſhould be divided, left it to the will of man.

OUR author's next inquiry is, "What be-comes of the right of father-hood, in caſe "the crown ſhould eſcheat for want of an heir? "Whether it doth not eſcheat to the people?" His anſwer is, "'Tis but the negligence or ignorance "of the people, to loſe the knowledge of the true "heir," &c. And a little below, "The power is "not devolved to the multitude: No; the kingly "power eſcheats on independent heads of families: "All ſuch prime heads have power to conſent in the "uniting, or conferring their fatherly right of ſove-"reign authority on whom they pleaſe; and he "that is ſo elected, claims not his power as a do-"native from the people, but as being ſubſtituted "by God, from whom he receives his royal charter "of univerſal father," &c.

In my opinion, before he had aſked, what ſhould be done in caſe the crown ſhould eſcheat for want of an heir? He ought to have proved, there had been

been a man in the world, who had the right in himſelf, and telling who he was, have ſhewed how it had been tranſmitted for ſome generations, that we might know where to ſeek his heir; and before he accuſed the multitude of ignorance or negligence, in not knowing this heir, he ought to have informed us, how it may be poſſible to know him, or what it would avail us if we did know him, for 'tis in vain to know to whom a right belongs, that never was, and never can be executed. But we may go farther, and affirm, that as the univerſal right muſt have been in Noah and Shem (if in any) who never exerciſed it; we have reaſon to believe there never was any ſuch thing: And having proved from ſcripture and human hiſtory, that the firſt kingdoms were ſet up in a direct oppoſition to this right, by Nimrod and others, he that ſhould ſeek and find their heirs, would only find thoſe, who by a moſt accurſed wickedneſs, had uſurped and continued a dominion over their fathers, contrary to the laws of God and nature; and we ſhould neither be more wiſe, nor more happy than we are, tho' our author ſhould furniſh us with certain and authentick genealogies, by which we might know the true heirs of Nimrod, and the ſeventy two kings that went from Babylon, who, as he ſuppoſes, gave beginning to all the kingdoms of the earth.

Moreover, if the right be univerſal, it muſt be in one; for the univerſe being but one, the whole right of commanding it cannot at the ſame time be in many, and proceed from the ordinance of God, or of man. It cannot proceed from the ordinance of God; for he doth nothing in vain: He never gave a right that could not be executed: No man can govern that which he does not ſo much as

know: No man did ever know all the world; no man therefore did or could govern it: And none could be appointed by God to do that which is abſolutely impoſſible to be done; for it could not conſiſt with his wiſdom. We find this in ourſelves. It were a ſhame for one of us poor, weak, ſhort-ſighted creatures, in the diſpoſal of our affairs, to appoint ſuch a method, as were utterly ineffectual for the preſervation of our families, or deſtructive to them; and the blaſphemy of imputing to God ſuch an ordinance, as would be a reproach to one of us, can ſuit only with the wicked and impudent fury of ſuch as our author, who delights in monſters. This alſo ſhews us that it cannot be from men: One, or a few, may commit follies, but mankind does not univerſally commit, and perpetually perſiſt in any: They cannot therefore, by a general and permanent authority, enact that which is utterly abſurd and impoſſible; or if they do, they deſtroy their own nature, and can no longer deſerve the name of reaſonable creatures. There can be therefore no ſuch man, and the folly of ſeeking him, or his heir that never was, may be left to the diſciples of Filmer.

The difficulties are as great, if it be ſaid, the world might be divided into parcels, and we are to ſeek the heirs of the firſt poſſeſſors; for beſides that no man can be obliged to ſeek that which cannot be found, (all men knowing that "Caliginoſa nocte "hæc premit Deus") and that the genealogies of mankind are ſo confuſed, that, unleſs poſſibly among the Jews, we have reaſon to believe there is not a man in the world, who knows his own original, it could be of no advantage to us tho' we knew that of every one; for the diviſion would be of no value, unleſs it were at the firſt rightly made by him who had all the authority in himſelf, (which does no where

where appear) and rightly deduced to him, who, according to that diviſion, claims a right to the parcel he enjoys; and I fear our author would terribly ſhake the crowns, in which the nations of Europe are concerned, if they ſhould be perſuaded to ſearch into the genealogies of their princes, and to judge of their rights according to the proofs they ſhould give titles rightly deduced by ſucceſſion of blood from the ſeventy two firſt kings, from whom our author fancies all the kingdoms of the world to be derived.

Beſides, tho' this were done, it would be to no purpoſe: for the ſeventy two were not ſent out by Noah, nor was he or his ſons of that number; but they went or were ſent from Babylon where Nimrod reigned, who, as has been already proved, neither had, nor could ever have any right at all; but was a mighty hunter, even a proud and cruel tyrant, uſurping a power to which he had no right, and which was perpetually exerciſed by him and his ſucceſſors againſt God and his people, from whence I may ſafely conclude, that no right can ever be derived; and may juſtly preſume it will be denied by none who are of better morals, and of more ſound principles in matters of law and religion than Filmer or Heylin; ſince 'tis no leſs abſurd to deduce a right from him that had none, than to expect pure and wholſome waters from a filthy, polluted, and poiſonous fountain.

If it be pretended that ſome other man ſince Noah had this univerſal right, it muſt either remain in one ſingle perſon, as his right heir, or be divided. If in one, I deſire to know who he is, and where we may find him, that the empire of the world may be delivered to him: But if he cannot be found, the buſineſs is at an end; for every man in the world may pretend himſelf to be the perſon; and

and the infinite controverſies ariſing thereupon can never be decided, unleſs either the genealogies of every one from Noah were extant and proved, or we had a word from heaven, with a ſufficient teſtimony of his miſſion who announceth it. When this is done, 'twill be time to conſider what kind of obedience is due to this wonderful happy and glorious perſon. But whilſt the firſt appears to be abſolutely impoſſible, and we have no promiſe or reaſon to expect the other, the propoſition is to be eſteemed one of our author's empty whimſeys, which cannot be received by mankind, unleſs they come all to be poſſeſſed with an epidemical madneſs, which would caſt them into that which Hobbs calls "Bellum omnium contra omnes;" when every man's ſword would be drawn againſt every man, and every man's againſt him, if God ſhould ſo abandon the world to ſuffer them to fall into ſuch miſery.

If this pretended right be divided, it concerns us to know by whom, when, how, and to whom: for the diviſion cannot be of any value, unleſs the right was originally in one; that he did exerciſe this right in making the diviſion; that the parcels into which the world is divided are according to the allotment that was made; and that the perſons claiming them by virtue of it are the true heirs of thoſe to whom they were firſt granted. Many other difficulties may be alledged no leſs inextricable than theſe; but this ſeeming ſufficient for the preſent, I ſhall not trouble myſelf with more, promiſing that when they ſhall be removed I will propoſe others, or confeſſing my errors, yeild up the cauſe.

But if the dominion of the whole world cannot belong to any one man, and every one have an equal title to that which ſhould give it; or if it did belong to one, none did ever exerciſe it in governing the whole,

or dividing it; or if he did divide it, no man knows how, when, or to whom; ſo that they who lay claim to any parcels can give no teſtimony of that diviſion, nor ſhew any better title than other men derived from his firſt progenitor, to whom 'tis ſaid to have been granted; and that we have neither a word, nor the promiſe of a word from God to decide the controverſies ariſing thereupon, nor any prophet giving teſtimony of his miſſion that takes upon him to do it, the whole fabrick of our author's patriarchical dominion falls to the ground; and they who propoſe theſe doctrines, which (if they were received) would be a root of perpetual and irreconcileable hatred in every man againſt every man, can be accounted no leſs than miniſters of the devil, tho' they want the abilities he has ſometimes infuſed into thoſe who have been imploy'd upon the like occaſions. And we may juſtly conclude that God having never given the whole world to be governed by one man, nor preſcribed any rule for the diviſion of it; nor declared where the right of dividing or ſubdividing that which every man has ſhould terminate; we may ſafely affirm that the whole is for ever left to the will and diſcretion of man: We may enter into, form, and continue in greater or leſſer ſocieties, as beſt pleaſes ourſelves: The right of paternity as to dominion is at an end, and no more remains, but the love, veneration, and obedience, which proceeding from a due ſenſe of the benefits of birth and education, have their root in gratitude, and are eſteemed ſacred and inviolable by all that are ſober and virtuous. And as 'tis impoſſible to transfer theſe benefits by inheritance, ſo 'tis impoſſible to transfer the rights ariſing from them. No man can be my father but he that did beget me; and 'tis as abſurd to ſay I owe

owe that duty to one who is not my father, which I owe to my father, as to ſay, he did beget me, who did not beget me; for the obligation that ariſes from benefits can only be to him that conferred them. 'Tis in vain to ſay the ſame is due to his heir; for that can take place only when he has but one, which in this caſe ſignifies nothing: For if I being the only ſon of my father, inherit his right, and have the ſame power over my children as he had over me; if I had one hundred brothers, they muſt all inherit the ſame; and the law of England, which acknowledges one only heir, is not general, but municipal, and is ſo far from being general, as the precept of God and nature, that I doubt whether it was ever known or uſed in any nation of the world beyond our iſland. The words of the apoſtle, "If we are "children, we are therefore heirs and co-heirs with "Chriſt," are the voice of God and nature; and as the univerſal law of God and nature is always the ſame, every one of us who have children have the ſame right over them, as Abraham, Iſaac, and Jacob had over theirs; and that right which was not devolved to any one of them, but inherited by them all (I mean the right of father as father) not the peculiar promiſes, which were not according to the law of nature, but the election of grace, is alſo inherited by every one of us, and ours, that is, by all mankind. But if that which could be inherited was inherited by all, and it be impoſſible that a right of dominion over all can be due to every one, then all that is or can be inherited by every one is that exemption from the dominion of another, which we call liberty, and is the gift of God and nature.

SECT.

SECT. XVIII.

If a right of dominion were eſteemed hereditary according to the law of nature, a multitude of deſtructive and inextricable controverſies would thereupon ariſe.

THERE being no ſuch thing therefore, according to the law of nature, as an hereditary right to the dominion of the world, or any part of it; nor one man that can derive to himſelf a title from the firſt fathers of mankind, by which he can rightly pretend to be preferred before others to that command, or a part of it, and none can be derived from Nimrod, or other uſurpers, who had none in themſelves; we may juſtly ſpare our pains of ſeeking farther into that matter. But as things of the higheſt importance can never be too fully explained; it may not be amiſs to obſerve, That if mankind could be brought to believe that ſuch a right of dominion were by the law of God and nature hereditary, a great number of the moſt deſtructive and inextricable controverſies muſt thereupon ariſe, which the wiſdom and goodneſs of God can never enjoin, and nature, which is reaſon, can never intend; but at preſent I ſhall only mention two, from whence others muſt perpetually ſpring. Firſt if there be ſuch a law, no human conſtitution can alter it: No length of time can be a defence againſt it: All governments that are not conformable to it are vicious and void even in the root, and muſt be ſo for ever: That which is originally unjuſt may be juſtly overthrown. We do not know of any (at leaſt in that part of the world in which we are moſt concerned) that is eſtabliſhed, or exerciſed with an abſolute power, as by the authors of thoſe opinions is eſteemed

eſteemed inſeparable from it: Many, as the empire, and other ſtates, are directly contrary; and on that account can have no juſtice in them. It being certain therefore that he or they who exerciſe thoſe governments have no right: that there is a man to whom it doth belong, and no man knowing who he is, there is no one man who has not as good a title to it as any other: There is not therefore one who hath not a right, as well as any, to overthrow that which hath none at all. He that hath no part in the government may deſtroy it as well as he that has the greateſt; for he neither has that which God ordained he ſhould have, nor can ſhew a title to that which he enjoys from that original prerogative of birth, from whence it can only be derived.

If it be ſaid, that ſome governments are arbitrary, as they ought to be, and France, Turky, and the like be alledged as inſtances, the matter is not mended: For we do not only know when thoſe, who deſerve to be regarded by us, were not abſolute, and how they came to be ſo; but alſo, that thoſe very families which are now in poſſeſſion are not of a very long continuance, had no more title to the original right we ſpeak of than any other men, and conſequently can have none this day. And tho' we cannot perhaps ſay that the governments of the barbarous eaſtern nations were ever other than they are, yet the known original of them deprives them of all pretence to the patriarchical inheritance, and they may be as juſtly as any other deprived of the power to which they have no title.

In the ſecond place, tho' all mens genealogies were extant, and fully verified, and it were allowed that the dominion of the world, or every part of it did belong to the right heir of the firſt progenitor, or any other to whom the firſt did rightly aſſign the parcel

parcel which is under queſtion; yet it were impoſſible for us to know who ſhould be eſteemed the true heir, or according to what rule he ſhould be judged ſo to be: for God hath not by a preciſe word determined it, and men cannot agree about it, as appears by the various laws and cuſtoms of ſeveral nations, diſpoſing ſeverally of hereditary dominions.

'Tis a folly to ſay, they ought to go to the next in blood; for 'tis not known who is that next. Some give the preference to him who amongſt many competitors is the feweſt degrees removed from their common progenitor who firſt obtained the crown: Others look only upon the laſt that poſſeſſed it. Some admit of repreſentation, by which means the grandchild of a king by his eldeſt ſon, is preferred before his ſecond ſon, he being ſaid to repreſent his dead father, who was the eldeſt: Others exclude theſe, and advance the younger ſon, who is nearer by one degree to the common progenitor that laſt enjoyed the crown than the grandchild. According to the firſt rule, Richard the ſecond was advanced to the crown of England, as ſon of the eldeſt ſon of Edward the third, before his uncles, who by one degree were nearer to the laſt poſſeſſor: And in perſuance of the ſecond, Sancho ſirnamed the brave, ſecond ſon of Alphonſo the wiſe, king of Caſtile, was preferred before Alphonſo ſon of Ferdinand his elder brother, according to the law of Thaneſtry, which was in force in Spain ever ſince we have had any knowledge of that country, as appears by the conteſt between Corbis and Orſua, decided by combat before Scipio Africanus; continued in full force as long as the kingdom of the Goths laſted, and was ever highly valued, till the houſe of Auſtria got poſſeſſion of that country, and introduced laws and cuſtoms formerly unknown to the inhabitants.

The

The hiſtories of all nations furniſh us with innumerable examples of both ſorts; and whoſoever takes upon him to determine which ſide is in the right, ought to ſhew by what authority he undertakes to be the judge of mankiud, and how the infinite breaches thereby made upon the rights of the governing families ſhall be cured, without the overthrow of thoſe that he ſhall condemn, and of the nations where ſuch laws have been in force as he diſlikes: and till that be done, in my opinion no place will afford a better lodging for him that ſhall impudently aſſume ſuch a power, than the new buildings in Moor-fields.

'Tis no leſs hard to decide whether this next heir is to be ſought in the Male-line only, or whether females alſo be admitted. If we follow the firſt as the law of God and nature, the title of our Engliſh kings is wholly aboliſhed; for not one of them ſince Henry the firſt has had the leaſt pretence to an inheritance by the maſculine line; and if it were neceſſary, we have enough to ſay of thoſe that were before them.

If it be ſaid, that the ſame right belongs to females, it ought to be proved that women are as fit as men to perform the office of a king, that is, as the Iſraelites ſaid to Samuel, to go in and out before us, to judge us, and to fight our battles; for it were an impious folly to ſay that God had ordained thoſe for the offices on which the good of mankind ſo much depends, who by nature are unable to perform the duties of them. If on the other ſide, the ſweetneſs, gentleneſs, delicacy, and tenderneſs of the ſex render them unfit for manly exerciſes, that they are accounted utterly repugnant to, and inconſiſtent with that modeſty which does ſo eminently ſhine in all thoſe that are good amongſt them; that law of

nature which ſhould advance them to the government of men, would overthrow its own work, and make thoſe to be the heads of nations, which cannot be the heads of private families; for, as the apoſtle ſays, "The woman is not the head of the "man, but the man is the head of the woman." This were no leſs than to oblige mankind to lay aſide the name of reaſonable creature: for if reaſon be his nature, it cannot enjoin that which is contrary to itſelf; if it be not, the definition "Homo eſt "animal rationale," is falſe, and ought no longer to be aſſumed.

If any man think theſe arguments to be miſtaken or miſapplied, I deſire him to enquire of the French nation on what account they have always excluded females, and ſuch as deſcended from them? How comes the houſe of Bourbon to be advanced to the throne before a great number of families that come from the daughters of the houſe of Valois? Or what title thoſe could have before the daughters of the other lines, deſcended from Hugh Capet, Pepin, Meroveus, or Pharamond? I know not how ſuch queſtions would be received; but I am inclined to think that the wickedneſs and folly of thoſe who ſhould thereby endeavour to overthrow the moſt antient and moſt venerated conſtitutions of the greateſt nations, and by that means to involve them in the moſt inextricable difficulties, would be requited only with ſtones.

It cannot be denied that the moſt valiant, wiſe, learned, and beſt poliſhed nations have always followed the ſame rule, tho' the * weak and barbarous acted otherwiſe: and no man ever heard of a queen, or a man deriving his title from a female among the

* Reginarumque ſub armis
Barbaries pars magna jacet. LUCAN. PHARS.

antient civilized nations: but if this be not enough, the law of God, that wholly omits females, is ſufficient to ſhew that nature, which is his handmaid, cannot advance them. When God deſcribes who ſhould be the king of his people † (if they would have one) and how he ſhould govern; no mention is made of daughters. The Iſraelites offer'd the kingdom to Gideon, and to his ſons: God promiſed, and gave it to Saul, David, Jeroboam, Jehu and their ſons. When all of them, ſave David, by their crimes fell from the kingdom, the males only were extirpated, and the females who had no part in the promiſes, did not fall under the penalties, or the vengeance that was executed upon thoſe families: and we do not in the word of God, or in the hiſtory of the Jews, hear of any feminine reign, except that which was uſurped by Athaliah; nor that any conſideration was had of their deſcendants in relation to the kingdom: which is enough to ſhew that it is not according to the law of God, nor to the law of nature, which cannot differ from it. So that females, or ſuch as derive their right by inheritance from females, muſt have it from ſome other law, or they can have none at all.

But tho' this queſtion were authentically decided, and concluded that females might or might not ſucceed, we ſhould not be at the end of our conteſts: for if they were excluded, it would not from thence follow, as in France, that their deſcendants ſhould be ſo alſo; for the privilege which is denied to them, becauſe they cannot, without receding from the modeſty and gentleneſs of the ſex, take upon them to execute all the duties required, may be transferred to their children, as Henry the ſecond

† Deut. xvii.

and

and Henry the ſeventh were admitted, tho' their mothers were rejected.

If it be ſaid that every nation ought in this to follow their own conſtitutions, we are at an end of our controverſies; for they ought not to be followed, unleſs they are rightly made: They cannot be rightly made, if they are contrary to the univerſal law of God and nature. If there be a general rule, 'tis impoſſible, but ſome of them being directly contrary to each other, muſt be contrary to it. If therefore all of them are to be followed, there can be no general law given to all; but every people is by God and nature left to the liberty of regulating theſe matters relating to themſelves according to their own prudence or convenience: And this ſeems to be ſo certainly true, that whoſoever does, as our author, propoſe doctrines to the contrary, muſt either be thought raſhly to utter that which he does not underſtand, or maliciouſly to caſt balls of diviſion among all nations, whereby every man's ſword would be drawn againſt every man, to the total ſubverſion of all order and government.

SECT. XIX.

Kings cannot confer the right of father upon princes, nor princes upon kings.

LEST what has been ſaid before by our author ſhould not be ſufficient to accompliſh his deſign of bringing confuſion upon mankind, and ſome may yet lie ſtill for want of knowing at whoſe command he ſhould cut his brother's throat, if he has not power or courage to ſet up a title for himſelf, he has a new project that would certainly do his work, if it were received. Not content with

the abſurdities and untruths already uttered in giving the incommunicable right of fathers, not only to thoſe who, as is manifeſtly teſtified by ſacred and prophane hiſtories, did uſurp a power over their fathers, or ſuch as owed no manner of obedience to them: and juſtifying thoſe uſurpations, which are moſt odious to God and all good men, he now fancies a kingdom ſo gotten may eſcheat for want of an heir; whereas there is no need of ſeeking any, if uſurpation can confer a right; and that he who gets the power into his hands ought to be reputed the right heir of the firſt progenitor; for ſuch a one will be ſeldom wanting, if violence and fraud be juſtified by the command of God, and nations ſtand obliged to render obedience, till a ſtronger or more ſucceſsful villain throws him from the throne he had invaded. But if it ſhould come to paſs that no man would ſtep into the vacant place, he has a new way of depriving the people of their right to provide for the government of themſelves. "Becauſe, ſays he, "the dependency of antient families is oft obſcure, "and worn out of knowledge; therefore the wiſdom "of all or moſt princes hath thought fit many times "to adopt thoſe for heads of families and princes of "provinces, whoſe merits, abilities, or fortunes have "ennobled them, and made them fit and capable "of ſuch royal favours: All ſuch prime heads and "fathers have power to conſent to the uniting and "conferring of their fatherly right and ſovereignty "on whom they pleaſe, &c."

I may juſtly aſk how any one or more families come to be eſteemed more antient than others, if all are deſcended from one common father, as the ſcriptures teſtify; or to what purpoſe it were to enquire what families were the moſt ancient, if there were any ſuch, when the youngeſt and moſt mean

by uſurpation gets an abſolute right of dominion over the eldeſt, tho' his own progenitors, as Nimrod did: but I may certainly conclude, that whatever the right be that belongs to thoſe antient families, it is inherent in them, and cannot be conferred on any other by any human power; for it proceeds from nature only. The duty I owe to my father does not ariſe from an uſurped or delegated power, but from my birth derived from him; and 'tis as impoſſible for any man to uſurp or receive by the grant of another the right of a father over me, as for him to become, or pretend to be made my father by another who did not beget me. But if he ſay true, this right of father does not ariſe from nature; nor the obedience that I owe to him that begot, from the benefits which I have received, but is meerly an artificial thing depending upon the will of another: and that we may be ſure there can be no error in this, our author attributes it to the wiſdom of princes. But before this comes to be authentick, we muſt at the leaſt be ſure that all princes have this great and profound wiſdom, which our author acknowledges to be in them, and which is certainly neceſſary for the doing of ſuch great things, if they were referred to them. They ſeem to us to be born like other men, and to be generally no wiſer than other men. We are not obliged to believe that Nebuchadnezzar was wiſe, till God had given him the heart of a man; or that his grandſon Belſhazzar, who being laid in the balance was found too light, had any ſuch profound wiſdom. Ahaſuerus ſhewed it not in appointing all the people of God to be ſlain, upon a lie told to him by a raſcal; and the matter was not very much mended, when being informed of the truth, he gave them leave to kill as many of their enemies as they pleaſed. The hardneſs of Pharaoh's

heart, and the overthrow thereby brought upon himſelf and people, does not argue ſo profound a judgment as our author preſumes every prince muſt have: And 'tis not probable that Samuel would have told Saul, "He had done fooliſhly," if kings had always been ſo exceeding wiſe: Nay, if wiſdom had been annexed to the character, Solomon might have ſpared the pains of aſking it from God, and Rehoboam muſt have had it. Not to multiply examples out of ſcripture, 'tis believed that Xerxes had not inflicted ſtripes upon the ſea for breaking his navy in pieces, if he had been ſo very wiſe. Caligula for the ſame reaſon might have ſaved the labour of making love to the moon, or have choſen a fitter ſubject to advance to the conſulate than his horſe Incitatus*: Nero had not endeavoured to make a woman of a man, nor married a man as a woman. Many other examples might be alledged to ſhew that kings are not always wiſe: And not only the Roman ſatyriſt, who ſays "Quicquid delirant "reges†," &c. ſhews that he did not believe them to be generally wiſer than other men; but Solomon himſelf judges them to be as liable to infirmities, when he prefers a wiſe child before an old and fooliſh king. If therefore the ſtrength of our author's argument lies in the certainty of the wiſdom of kings, it can be of no value, till he proves it to be more univerſal in them than hiſtory or experience will permit us to believe. Nay, if there be truth or wiſdom in the ſcripture, which frequently repreſents the wicked man as a fool, we cannot think that all kings are wiſe, unleſs it be proved that none of them have been wicked; and when this is performed by Filmer's diſciples, I ſhall confeſs my error.

* Sueton. † Horat.

Men

Men give teſtimony of their wiſdom, when they undertake that which they ought to do, and rightly perform that which they undertake; both which points do utterly fail in the ſubject of our diſcourſe. We have often heard of ſuch as have adopted thoſe to be their ſons who were not ſo, and ſome civil laws approve it. This ſignifies no more, than that ſuch a man, either through affection to one who is not his ſon, or to his parents, or for ſome other reaſon, takes him into his family, and ſhews kindneſs to him, as to his ſon; but the adoption of fathers is a whimſical piece of nonſenſe. If this be capable of an aggravation, I think none can be greater, than not to leave it to my own diſcretion, who having no father, may reſolve to pay the duty I owed to my father to one who may have ſhewed kindneſs to me; but for another to impoſe a father upon a man, or a people compoſed of fathers, or ſuch as have fathers, whereby they ſhould be deprived of that natural honour and right, which he makes the foundation of his diſcourſe, is the utmoſt of all abſurdities. If any prince therefore have ever undertaken to appoint fathers of his people, he cannot be accounted a man of profound wiſdom, but a fool or a madman; and his acts can be of no value. But if the thing were conſonant to nature, and referred to the will of princes (which I abſolutely deny) the frequent extravagancies committed by them in the elevation of their favourites, ſhews that they intend not to make them fathers of the people, or know not what they do when they do it.

To chuſe or inſtitute a father is nonſenſe in the very term; but if any were to be choſen to perform the office of fathers to ſuch as have none, and are not of age to provide for themſelves (as men do tutors or guardians for orphans) none could be ca-

pable of being elected, but ſuch as in kindneſs to the perſon they were to take under their care, did moſt reſemble his true father, and had the virtues and abilities required rightly to provide for his good. If this fails, all right ceaſes; and ſuch a corruption is introduced as we ſaw in our court of wards, which the nation could not bear, when the inſtitution was perverted, and the king, who ought to have taken a tender care of the wards and their eſtates, delivered them as a prey to thoſe whom he favoured.

Our author ridiculouſly attributes the title and authority of father to the word Prince; for it hath none in it, and ſignifies no more than a man, who in ſome kind is more eminent than the vulgar. In this ſenſe Mutius Scævola told Porſenna, that "Three hundred princes of the Roman youth had "conſpired againſt him*:" by which he could not mean that three hundred fathers of the Roman youth, but three hundred Roman young men had conſpired: and they could not be fathers of the city, unleſs they had been fathers of their own fathers. Princeps Senatus was underſtood in the ſame ſenſe; and T. Sempronius the cenſor chuſing Q. Fabius Maximus to that honour, gave for a reaſon, "Se "lecturum Q. Fabium Maximum, quem tum prin-"cipem Romanæ civitatis eſſe, vel Annibale judice, "dicturus eſſet†;" which could not be underſtood that Hannibal thought him to be the father or lord of the city (for he knew he was not) but the man, who for wiſdom and valour was the moſt eminent in it.

The like are and ought to be the princes of every nation; and tho' ſomething of honour may juſtly be attributed to the deſcendants of ſuch as have done

* Trecenti Romanæ juventutis principes. *T. Liv.*

† T. Liv. l. 7.

great

great ſervices to their country, yet they who degenerate from them cannot be eſteemed princes; much leſs can ſuch honours or rights be conferred upon court-creatures or favourites. Tiberius, Caligula, Claudius, Nero, Galba, and others, could advance Macro, Pallas, Narciſſus, Tigellinus, Vinnius, Laco, and the like, to the higheſt degrees of riches and power; but they ſtill continued to be villains, and ſo they died.

No wiſe or good man ever thought otherwiſe of thoſe who through the folly of princes have been advanced to the higheſt places in ſeveral countries. The madneſs of attributiug to them a paternal power, ſeems to have been peculiarly reſerved to compleat the infamy of our author; for he only could acknowledge a cooptitious father, or give to another man the power of chuſing him. I confeſs that a man in his infancy may have been expoſed, like Moſes, Cyrus, Oedipus, Romulus: He may have been taken in war; or by the charity of ſome good perſon ſaved from the teeth of wild beaſts, or from the ſword by which his parents fell, and may have been educated with that care which fathers uſually have of their children: 'tis reaſonable that ſuch a one in the whole courſe of his life ſhould pay that veneration and obedience to him, who gave him as it were a ſecond birth, which was due to his natural father; and this, tho' improperly, may be called an adoption. But to think that any man can aſſume it to himſelf, or confer it upon another, and thereby arrogate to himſelf the ſervice and obedience, which, by the moſt tender and ſacred laws of nature, we owe to thoſe from whom we receive birth and education, is the moſt prepoſterous folly that hitherto has ever entered into the heart of man.

Our

Our author nevertheleſs is not aſhamed of it, and gives reaſons no way unſuitable to the propoſition. "Men are, ſays he, adopted fathers of provinces "for their abilities, merits, or fortunes." But theſe abilities can ſimply deſerve nothing; for if they are ill employed, they are the worſt of vices, and the moſt powerful inſtruments of miſchief. Merits, in regard of another, are nothing, unleſs they be to him; and he alone can merit from me the reſpect due to a father, who hath conferred benefits upon me, in ſome meaſure proportionable to thoſe which we uſually receive from our fathers: and the world may judge, whether all the court-miniſters and favourites that we have known, do upon this account deſerve to be eſteemed fathers of nations. But to allow this on account of their fortunes, is, if poſſible, more extravagant than any thing that hath been yet utter'd. By this account Mazarin muſt have been father of the French nation: The ſame right was inherited by his chaſte niece, and remained in her, till ſhe and her ſilly huſband diſſipated the treaſures which her uncle had torn from the bowels of that people. The partizans may generally claim the ſame right over the provinces they pillaged: Old Audley, Dog Smith, Biſhop Duppa, Brownloe, Child, Daſhwood, Fox, &c. are to be eſteemed fathers of the people of England. This doctrine is perfectly canonical, if Filmer and Heylin were good divines; and legal, if they judged more rightly touching matters of law. But if it be abſurd and deteſtable, they are to be reputed men, who, by attributing the higheſt honours to the vileſt wretches of the world, for what they had gain'd by the moſt abominable means, endeavour to increaſe thoſe vices, which are already come to ſuch a height, that they can by no other way be brought

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to a greater. Daily experience too plainly ſhews, with what rage avarice uſually fills the hearts of men. There are not many deſtructive villanies committed in the world, that do not proceed from it. In this reſpect 'tis called Idolatry, and "the root "of all evil." Solomon warns us to beware of ſuch as make haſte to grow rich, and ſays, they ſhall not be innocent. But 'tis no matter what the prophets, the apoſtles, or the wiſeſt of men ſay of riches, and the ways of gaining them; for our author tells us, that men of the greateſt fortunes, without examining how they came to them, or what uſe they make of them, deſerve to be made fathers of provinces.

But this is not his only quarrel with all that is juſt and good: His whole book goes directly againſt the letter and ſpirit of the ſcripture. The work of all thoſe, whom God in ſeveral ages has raiſed up to announce his word, was to abate the luſts and paſſions that ariſe in the hearts of men; to ſhew the vanity of worldly enjoyments, with the dangers that accompany riches and honours, and to raiſe our hearts to the love of thoſe treaſures that periſh not. Honeſt and wiſe men following the light of nature, have in ſome meaſure imitated this. Such as lived private lives, as Plato, Socrates, Epictetus, and others, made it their buſineſs to abate mens luſts, by ſhewing the folly of ſeeking vain honours, uſeleſs riches, or unſatisfying pleaſures; and thoſe who were like to them, if they were raiſed to ſupreme magiſtracies, have endeavoured by the ſevereſt puniſhments to reſtrain men from committing the crimes by which riches are moſt commonly gained: But Filmer and Heylin lead us into a new way. If they deſerve credit, whoſoever would become ſupreme lord and father of his country, abſo-

lute, ſacred and inviolable, is only to kill him that is in the head of the government: Uſurpation confers an equal right with election or inheritance: We are to look upon the power, not the ways by which it is obtained: Poſſeſſion only is to be regarded; and men muſt venerate the preſent power, as ſet up by God, tho' gained by violence, treachery or poiſon: Children muſt not impoſe laws upon, nor examine the actions of their fathers. Thoſe who are a little more modeſt, and would content themſelves with the honour of being fathers and lords only of provinces, if they get riches by the favour of the king, or the favour of the king by riches, may receive that honour from him: The lord paramount may make them peculiar lords of each province as ſacred as himſelf; and by that means every man ſhall have an immediate and a ſubaltern father. This would be a ſpur to excite even the moſt ſleeping luſts; and a poiſon that would fill the gentleſt ſpirits with the moſt violent furies. If men ſhould believe this, there would hardly be found one of whom it might not be ſaid, "Hac ſpe, minanti fulmen, occuret Jovi*." No more is required to fill the world with fire and blood, than the reception of theſe precepts: No man can look upon that as a wickedneſs, which ſhall render him ſacred; nor fear to attempt that which ſhall make him God's vicegerent. And I doubt, whether the wickedneſs of filling mens heads with ſuch notions was ever equalled, unleſs by him who ſaid, "Ye ſhall not die, but be as Gods."

But ſince our author is pleaſed to teach us theſe ſtrange things, I wiſh he would alſo have told us, how many men in every nation ought to be look'd upon as adopted fathers: What proportion of riches, ability or merit, is naturally or divinely required

* Senec. Theb.

to

to make them capable of this ſublime character: Whether the right of this chimerical father does not deſtroy that of the natural; or whether both continue in force, and men thereby ſtand obliged, in deſpite of what Chriſt ſaid, to ſerve two maſters. For if the right of my artificial father ariſe from any act of the king, in favour of his riches, abilities or merit, I ought to know whether he is to excel in all, or any one of theſe points: How far, and which of them gives the preference; ſince 'tis impoſſible for me to determine whether my father, who may be wiſe, tho' not rich, is thereby diveſted of his right, and it comes to be transferr'd to another, who may be rich tho' not wiſe, nor of any perſonal merit at all, till that point be decided; or, ſo much as to gueſs, when I am emancipated from the duty I owe to him, by whom I was begotten and educated, unleſs I know whether he be fallen from his right, through want of merit, wiſdom or eſtate; and that can never be, till it be determined, that he hath forfeited his right, by being defective in all, or any of the three; and what proportion of merit, wiſdom or eſtate is required in him, for the enjoyment of his right, or in another that would acquire it: for no man can ſucceed to the right of another, unleſs the firſt poſſeſſor be rightly deprived of it; and it cannot belong to them both, becauſe common ſenſe univerſally teaches, that two diſtinct perſons cannot, at the ſame time, and in the ſame degree, have an equal right to the ſame individual thing.

The right of father cannot therefore be conferred upon princes by kings, but muſt for ever follow the rule of nature. The character of a father is indelible, and incommunicable: The duty of children ariſing from benefits received is perpetual, becauſe they can never not have received them; and can be due only

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to him from whom they are received. For theſe reaſons, we ſee, that ſuch as our author calls princes, cannot confer it upon a king; for they cannot give what they have not in themſelves: They who have nothing, can give nothing: They who are only ſuppoſititious, cannot make another to be real; and the whimſey of kings making princes to be fathers, and princes conferring that right on kings, comes to nothing.

SECT. XX.

All juſt magiſtratical power is from the people.

HAVING proved that the right of a father proceeds from the generation and education of his children: That no man can have that right over thoſe, whom he hath not begotten and educated: That every man hath it over thoſe, who owe their birth and education to him: That all the ſons of Noah, Abraham, Iſaac, Jacob, and others, did equally inherit it: That by the ſame reaſons, it doth for ever belong to every man that begets children; it plainly appears, that no father can have a right over others, unleſs it be by them granted to him, and that he receive his right from thoſe who granted it. But our author, with an admirable ſagacity peculiar to himſelf, diſcovers, and with equal confidence tells us, that that which is from the people, or the chief heads of them, is not from the people: "He that is ſo elected, ſays he, claims not his "right from the people as a donative, but from God." That is, if I miſtake not, Romulus was not made king of the Romans by that people, but by God: Thoſe men being newly gathered together, had two fathers, tho' neither of them had any children; and no man knew who was their father, nor which of them was the elder: But Romulus by the ſlaughter of his brother

brother decided all queſtions, and purchaſed to himſelf a royal charter from God; and the act of the people which conferred the power on him, was the act of God. We had formerly learnt, that whatſoever was done by monarchs, was to be imputed to God; and that whoſoever murdered the father of a people, acquired the ſame right to himſelf: but now it ſeems, that nations alſo have the ſame privilege, and that God doth, what they do. Now I underſtand why it was ſaid of old, "Vox populi eſt vox Dei:" But if it was ſo in regard of Romulus, the ſame muſt be confeſſed of Tullus Hoſtilius, Ancus Martius, Tarquinius Priſcus, and Servius Tullus; who being all ſtrangers to each other, and moſt of them aliens alſo, were ſucceſſively advanced by the ſame people, without any reſpect to the children, relations or heirs of their predeceſſors. And I cannot comprehend, why the act of the ſame people ſhould not have the ſame virtue, and be equally attributed to God, when they gave the ſame or more power to conſuls, military tribunes, decemviri, or dictators; or why the ſame divine character ſhould not be in the ſame manner conferred upon any magiſtracies, that by any people have been, are, or ſhall be at any time erected for the ſame ends.

Upon the ſame grounds we may conclude, that no privilege is peculiarly annexed to any form of government, but that all magiſtrates are equally the miniſters of God, who perform the work for which they were inſtituted; and that the people which inſtitutes them, may proportion, regulate and terminate their power, as to time, meaſure, and number of perſons, as ſeems moſt convenient to themſelves, which can be no other than their own good. For it cannot be imagined that a multitude of people ſhould ſend for Numa, or any other perſon to whom they

they owed nothing, to reign over them, that he might live in glory and pleaſure; or for any other reaſon, than that it might be good for them and their poſterity. This ſhews the work of all magiſtrates to be always and every where the ſame, even the doing of juſtice, and procuring the welfare of thoſe that create them. This we learn from common ſenſe: Plato, Ariſtotle, Cicero, and the beſt human authors lay it as an unmoveable foundation, upon which they build their arguments relating to matters of that nature: And the apoſtle from better authority declares, "That rulers are not a terror to good-"works, but to evil: Wilt thou then not be afraid "of the power? do that which is good, and thou "ſhalt have praiſe of the ſame; for he is the miniſ-"ter of God unto thee for good: But if thou do "that which is evil, be afraid; for he beareth not "the ſword in vain; for he is the miniſter of God, "a revenger to execute wrath upon him that doth "evil‖." And the reaſon he gives "for praying for "kings, and all that are in authority, is, that we "may live a quiet and peaceable life, in all godlineſs "and honeſty*." But if this be the work of the magiſtrate, and the glorious name of God's miniſter be given to him for the performance of it, we may eaſily ſee to whom that title belongs. "His chil-"dren and ſervants ye are, whoſe works ye do." He therefore, and he only, is the ſervant of God, who does the work of God; who is a terror to thoſe that do evil, and a praiſe to thoſe that do well; who beareth the ſword for the puniſhment of wickedneſs and vice, and ſo governs, that the people may live quietly in all godlineſs and honeſty. The order of his inſtitution is inverted, and the inſtitution vacated, if the power

‖ Rom. 13. * 1 Tim. 2.

be

be turned to the praiſe of thoſe that do evil, and becomes a terror to ſuch as do well; and that none who live honeſtly and juſtly can be quiet under it. If God be the fountain of juſtice, mercy and truth, and thoſe his ſervants who walk in them, no exerciſe of violence, fraud, cruelty, pride, or avarice, is patronized by him: and they who are the authors of thoſe villanies, cannot but be the miniſters of him, who ſets himſelf up againſt God; becauſe 'tis impoſſible that truth and falſhood, mercy and cruelty, juſtice and the moſt violent oppreſſion can proceed from the ſame root. It was a folly and a lie in thoſe Jews, to call themſelves the children of Abraham, who did not the works of Abraham; and Chriſt declared them to be the children of the Devil, whoſe works they did †: which words proceeding from the eternal truth, do as well indicate to us, whoſe child and ſervant every man is to be accounted, as to thoſe who firſt heard them.

If our author's former aſſertions were void of judgment and truth, his next clauſe ſhews a great defect in his memory, and contradicts the former: "The judgments of God, ſays he, who hath pow-"er to give and take away kingdoms, are moſt juſt; "yet the miniſtry of men, who execute God's "judgments without commiſſion, is ſinful and "damnable." If it be true, as he ſays, that we are to look at the power, not the ways by which it is gained; and that he who hath it, whether it be by uſurpation, conqueſt, or any other means, is to be accounted as father, or right heir to the father of the people, to which title the moſt ſublime and divine privileges are annexed, a man, who by the moſt wicked and unjuſt actions advances himſelf to the power, becomes immediately the father of the

† John viii. 39.

people, and the miniſter of God; which I take to be a piece of divinity worthy our author and his diſciples.

It may be doubted what he means by a commiſſion from God; for we know of none but what is outwardly by his word, or inwardly by his ſpirit; and I am apt to think, that neither he nor his abettors allowing of either, as to the point in queſtion, he doth fouly prevaricate, in alledging that which he thinks cannot be of any effect. If any man ſhould ſay, that the word of God to Moſes, Joſhua, Ehud, Gideon, Samuel, Jerobeam, and Jehu, or any others, are, in the like caſes, rules to be obſerved by all; becauſe that which was from God was good; that which was good, is good; and he that does good, is juſtified by it: he would probably tell us, that what was good in them, is not good in others; and that the word of God doth juſtify thoſe only to whom it is ſpoken: That is to ſay, no man can execute the juſt judgments of God, to the benefit of mankind, according to the example of thoſe ſervants of God, without damnable ſin, unleſs he have a preciſe word particularly directed to him for it, as Moſes had. But if any man ſhould pretend that ſuch a word was come to him, he would be accounted an enthuſiaſt, and obtain no credit. So that, which way ſoever the clauſe be taken, it appears to be full of fraud, confeſſing only in the theory, that which he thinks can never be brought into practice; that his beloved villanies may be thereby ſecured, and that the glorious examples of the moſt heroick actions, performed by the beſt and wiſeſt men that ever were in the world for the benefit of mankind, may never be imitated.

The next clauſe ſhews, that I did our author no wrong in ſaying, that he gave a right to uſurpation; for

for he plainly ſays, " That whether the prince be " the ſupreme father of his people, or the true heir of " ſuch a father; or whether he come to the crown " by uſurpation, or election of the nobles or people, " or by any other way whatſoever, &c. it is the " only right and authority of the natural father." In the 3d Chap. Sect. 8. " It ſkills not which way the " king comes by his power, whether by election, " donation, ſucceſſion, or by any other means." And in another place, " That we are to regard the " power, not the means by which it is gained." To which I need ſay no more, than that I cannot ſufficiently admire the ingeniouſly invented title of father by uſurpation; and confeſs, that ſince there is ſuch a thing in the world, to which not only private men, but whole nations owe obedience, whatſoever has been ſaid antiently (as was thought to expreſs the higheſt exceſs of fury and injuſtice) as, " * Jus " datum ſceleri; jus omne in ferro eſt ſitum; jus " licet in jugulos noſtros ſibi fecerit enſe; Sylla po- " tens Mariuſque ferox & Cinna cruentus, Cæſareæ- " que domus ſeries," were ſolid truths, good law and divinity; which did not only ſignify the actual exerciſe of the power, but induced a conſcientious obligation of obeying it. The powers ſo gained, did carry in themſelves the moſt ſacred and inviolable rights; and the actors of the moſt deteſtable villanies thereby became the miniſters of God, and the fathers of their ſubdued people. Or if this be not true, it cannot be denied, that Filmer and his followers, in the moſt impudent and outragious blaſphemy, have ſurpaſſed all that have gone before them.

To confirm his aſſertions, he gives us a wonderful explanation of the fifth commandment; which, he ſays, enjoins obedience to princes, under the terms

* Lucan, &c.

of, " Honour thy father and thy mother;" drawing this inference, " That as all power is in the father, " the prince who hath it, cannot be reſtrained by " any law; which being grounded upon the perfect " likeneſs between kings and fathers, no man can " deny it to be true." But if Claudius was the father of the Roman people, I ſuppoſe the chaſte Meſſalina was the mother, and to be honoured by virtue of the ſame commandment: But then I fear that ſuch as met her in the moſt obſcene places, were not only guilty of adultery, but of inceſt. The ſame honour muſt needs belong to Nero and his virtuous Poppæa, unleſs it were transferred to his new-made woman Sporus; or perhaps he himſelf was the mother, and the glorious title of Pater Patriæ belonged to the raſcal, who married him as a woman. The like may be ſaid of Agathocles, Dionyſius, Phalaris, Buſiris, Machanidas, Peter the Cruel of Caſtile, Chriſtiern of Denmark, the laſt princes of the houſe of Valois in France, and Philip the ſecond of Spain. Thoſe actions of theirs, which men have ever eſteemed moſt deteſtable, and the whole courſe of their abominable government, did not proceed from pride, avarice, cruelty, madneſs and luſt, but from the tender care of moſt pious fathers. Tacitus ſadly deſcribes the ſtate of his country, " Urbs incendiis vaſtata, conſumptis antiquiſſi- " mis delubris, ipſo capitolio civium manibus incen- " ſo; pollutæ ceremoniæ; magna adulteria; plenum " exiliis mare; infecti cædibus ſcopuli; atrocius in " urbe ſævitum; nobilitas, opes, omiſſi vel geſti ho- " nores pro crimine, & ob virtutes certiſſimum exi- " tium;" but he was to blame: All this proceeded from the ardency of a paternal affection. When Nero, by the death of Helvidius Priſcus and Thraſeas, endeavoured to cut up virtue by the roots,

" ipſam

" ipſam exſcindere virtutem," he did it, becauſe he knew it was good for the world that there ſhould be no virtuous man in it. When he fired the city, and when Caligula wiſhed the people had but one neck, that he might ſtrike it off at one blow, they did it through a prudent care of their childrens good, knowing that it would be for their advantage to be deſtroyed; and that the empty deſolated world would be no more troubled with popular ſeditions. By the ſame rule Pharaoh, Eglon, Nabuchodonoſor, Antiochus, Herod, and the like, were fathers of the Hebrews. And without looking far backward, or depending upon the faith of hiſtory, we may enumerate many princes, who in a paternal care of their people, have not yielded to Nero or Caligula. If our author ſay true, all thoſe actions of theirs, which we have ever attributed to the utmoſt exceſs of pride, cruelty, avarice and perfidiouſneſs, proceeded from their princely wiſdom and fatherly kindneſs to the nations under them: and we are beholden to him for the diſcovery of ſo great a myſtery which hath been hid from mankind, from the beginning of the world to this day; if not, we may ſtill look upon them as children of the devil; and continue to believe, that princes as well as other magiſtrates were ſet up by the people for the publick good; that the praiſes given to ſuch as are wiſe, juſt and good, are purely perſonal, and can belong only to thoſe, who by a due exerciſe of their power do deſerve it, and to no others.

CHAP. II.

SECT. I.

That 'tis natural for nations to govern, or to chuſe governors; and that virtue only gives a natural preference of one man above another, or reaſon why one ſhould be choſen rather than another.

IN this chapter our author fights valiantly againſt Bellarmin and Suarez, ſeeming to think himſelf victorious, if he can ſhew that either of them hath contradicted the other, or himſelf; but being no way concerned in them, I ſhall leave their followers to defend their quarrel: My work is to ſeek after truth; and, tho' they may have ſaid ſome things, in matters not concerning their beloved cauſe of popery, that are agreeable to reaſon, law or ſcripture, I have little hope of finding it among thoſe who apply themſelves chiefly to ſchool-ſophiſtry, as the beſt means to ſupport idolatry. That which I maintain, is the cauſe of mankind; which ought not to ſuffer, tho' champions of corrupt principles have weakly defended, or maliciouſly betrayed it: and therefore not at all relying on their authority, I intend to reject whatſoever they ſay that agrees not with reaſon, ſcripture, or the approved examples of the beſt poliſhed nations. He alſo attacks Plato and Ariſtotle, upon whoſe opinions I ſet a far greater value, in as much as they ſeem to have penetrated more deeply into the ſecrets of human nature;

ture; and not only to have judged more rightly of the intereſts of mankind, but alſo to have comprehended in their writings the wiſdom of the Grecians, with all that they had learnt from the Phænicians, Egyptians and Hebrews; which may lead us to the diſcovery of the truth we ſeek. If this be our work, the queſtion is not, whether it be a paradox, or a received opinion, "That people naturally govern, "or chuſe governors," but whether it be true or not; for many paradoxes are true, and the moſt groſs errors have often been moſt common. Tho' I hope to prove, that what he calls a paradox, is not only true, but a truth planted in the hearts of men, and acknowledged ſo to be by all that have hearkned to the voice of nature, and diſapproved by none, but ſuch as through wickedneſs, ſtupidity, or baſeneſs of ſpirit, ſeem to have degenerated into the worſt of beaſts, and to have retained nothing of men, but the outward ſhape, or the ability of doing thoſe miſchiefs which they have learnt from their maſter the devil.

We have already ſeen, that the patriarchical power reſembles not the regal in principle or practice: that the beginning and continuance of regal power was contrary to, and inconſiſtent with the patriarchical: that the firſt fathers of mankind left all their children independent on each other, and in an equal liberty of providing for themſelves: that every man continued in this liberty, till the number ſo increaſed, that they became troubleſome and dangerous to each other; and finding no other remedy to the diſorders growing, or like to grow among them, joined many families into one civil body, that they might the better provide for the conveniency, ſafety, and defence of themſelves and their children. This was a collation of every man's private right into a pub-

lic ſtock; and no one having any other right than what was common to all, except it were that of fathers over their children, that were all equally free when their fathers were dead; and nothing could induce them to join, and leſſen that natural liberty by joining in ſocieties, but the hopes of a public advantage. Such as were wiſe and valiant procured it, by ſetting up regular governments, and placing the beſt men in the adminiſtration; whilſt the weakeſt and baſeſt fell under the power of the moſt boiſterous and violent of their neighbours. Thoſe of the firſt ſort had their root in wiſdom and juſtice, and are called lawful kingdoms or commonwealths; and the rules by which they are governed, are known by the name of laws. Theſe governments have ever been the nurſes of virtue: the nations living under them have flouriſhed in peace and happineſs, or made wars with glory and advantage: whereas the other ſort ſpringing from violence and wrong, have ever gone under the odious title of tyrannies; and by fomenting vices, like to thoſe from whence they grew, have brought ſhame and miſery upon thoſe who were ſubject to them. This appears ſo plainly in ſcripture, that the aſſertors of liberty want no other patron than God himſelf; and his word ſo fully juſtifies what we contend for, that it were not neceſſary to make uſe of human authority, if our adverſaries did not oblige us to examine ſuch as are cited by them. This, in our preſent caſe, would be an eaſy work, if our author had rightly marked the paſſages he would make uſe of, or had been faithful in his interpretation or explication of ſuch as he truly cites; but failing groſly in both, 'tis hard to trace him.

He cites the 16th chapter of the third book of Ariſtotle's politicks, and I do not find there is more

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than twelve; or tho' that wound might be cured, by ſaying the words are in the twelfth, his fraud in perverting the ſenſe were unpardonable, tho' the other miſtake might be paſſed over. 'Tis true that Ariſtotle doth there ſeem to doubt whether there be any ſuch thing as one man naturally a lord over many citizens, ſince a city conſiſts of equals: but in the whole ſcope of that chapter, book, and his other writings, he fully ſhews his doubt did not ariſe from an imagination that one man could naturally inherit a right of dominion over many not deſcended from him; or that they were born under a neceſſity of being ſlaves to him (for ſuch fancies can proceed only from diſtemper'd brains) but that civil ſocieties aiming at the publick good, thoſe who by nature were endowed with ſuch virtues or talents as were moſt beneficial to them, ought to be preferred. And nothing can be more contrary to the frantick whimſey of our author, who fancies an hereditary prerogative of dominion inherent in a perſon as father of a people, or heir, or to be reputed heir of the firſt father, when 'tis certain he is not, but that either he or his predeceſſor came in by election or uſurpation, than to ſhew that 'tis only wiſdom, juſtice, valour, and other commendable virtues, which are not hereditary, that can give the preference; and that the only reaſon why it ſhould be given, is, that men ſo qualified can better than others accompliſh the ends for which ſocieties are conſtituted: For tho', ſays he, all are equally free, all are not equally endowed with thoſe virtues that render liberty ſafe, proſperous, and happy. That equality which is juſt among equals, is juſt only among equals; but ſuch as are baſe, ignorant, vicious, ſlothful, or cowardly, are not equal in natural or acquired virtues, to the generous, wiſe, valiant, and induſtrious; nor equally

uſeful

uſeful to the ſocieties in which they live: they cannot therefore have an equal part in the government of them; they cannot equally provide for the common good; and 'tis not a perſonal, but a publick benefit that is ſought in their conſtitution and continuance. There may be a hundred thouſand men in an army, who are all equally free; but they only are naturally moſt fit to be commanders or leaders, who moſt excel in the virtues required for the right performance of thoſe offices; and that, not becauſe 'tis good for them to be raiſed above their brethren, but becauſe 'tis good for their brethren to be guided by them, as 'tis ever good to be governed by the wiſeſt and the beſt. If the nature of man be reaſon, Detur digniori, in matters of this kind, is the voice of nature; and it were not only a deviation from reaſon, but a moſt deſperate and miſchievous madneſs, for a company going to the Indies, to give the guidance of their ſhip to the ſon of the beſt pilot in the world, if he wanted the ſkill required to that imployment, or to one who was maliciouſly ſet to deſtroy them; and he only can have a right grounded upon the dictates of nature, to be advanced to the helm, who beſt knows how to govern it, and has given the beſt teſtimonies of his integrity and intentions to imploy his ſkill for the good of thoſe that are imbarked. But as the work of a magiſtrate, eſpecially if he be the ſupreme, is the higheſt, nobleſt, and moſt difficult that can be committed to the charge of a man, a more excellent virtue is required in the perſon who is to be advanced to it, than for any other; and he that is moſt excellent in that virtue, is reaſonably and naturally to be preferred before any other. Ariſtotle having this in his view, ſeems to think, that thoſe who believed it not to be natural for one man to be lord

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of all the citizens, ſince a city conſiſts of equals, had not obſerved that inequality of endowments, virtues and abilities in men, which render ſome more fit than others, for the performance of their duties, and the work intended; but it will not be found, as I ſuppoſe, that he did ever dream of a natural ſuperiority, that any man could ever have in a civil ſociety, unleſs it be ſuch a ſuperiority in virtue, as moſt conduces to the publick good.

He confirms this in proceeding to examine the different ſorts of governments, according to the different diſpoſitions of nations; and is ſo bold to ſay, that a popular government is the beſt for a people, who are naturally generous and warlike: that the government of a few ſuits beſt with thoſe, among whom a few men are found to excel others in thoſe virtues that are profitable to ſocieties; and that the government of one is good, when that one does ſo far ſurpaſs all others in thoſe virtues, that he hath more of them than all the reſt of the people together: and for the ſame reaſon that induced him to believe that equality is juſt amongſt equals, he concludes inequality of power to be moſt unjuſt, unleſs there be inequality of merit; and equality of power to be ſo alſo, when there is inequality of virtue, that being the only rule by which every man's part ought to be regulated.

But if it be neither reaſonable nor juſt that thoſe who are not equal in virtue ſhould be made equal in power, or that ſuch as are equal in virtue ſhould be unequal in power, the moſt brutal and abominable of all extravagancies is to make one or a few, who in virtue and abilities to perform civil functions are inferior to others, ſuperior to all in power; and the miſeries ſuffered by thoſe nations, who inverting the laws of nature and reaſon, have placed children

dren or men of no virtue in the government, when men that excelled in all virtues were not wanting, do ſo far manifeſt this truth, that the pains of proving it may be ſpared.

'Tis not neceſſary for me to inquire, whether it be poſſible to find ſuch a man as Ariſtotle calls "Na-"turâ regem," or whether he intended to recommend Alexander to the world, for the man deſigned by God and nature to be king over all, becauſe no man was equal to him in the virtues that were beneficial to all. For purſuing my poſition, that virtue only can give a juſt and natural preference, I ingenuouſly confeſs, that when ſuch a man or race of men as he deſcribes, ſhall appear in the world, they carry the true marks of ſovereignty upon them: We ought to believe, that God has raiſed them above all, whom he has made to excel all: It were an impious folly to think of reducing him into the ordinary level of mankind, whom God has placed above it. 'Twere better for us to be guided by him, than to follow our own judgment; nay, I could almoſt ſay, 'twere better to ſerve ſuch a maſter, than to be free. But this will be nothing to the purpoſe, till ſuch a man, or ſucceſſion of men do appear; and if our author would perſuade us, that all mankind, or every particular, is obliged to a perpetual ſubjection to one man or family, upon any other condition, he muſt do it by the credit of thoſe who favour his deſign more than Ariſtotle.

I know not who that will be, but am confident he will find no help from Plato: for if his principles be examined, by which a grave author's ſenſe is beſt comprehended, it will appear, that all his books of laws and of a commonwealth *, are chiefly ground-

* Plato de leg. & de republ.

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ed upon this, that magiſtrates are choſen by ſocieties, ſeeking their own good; and that the beſt men ought to be choſen for the attaining of it: whereas his whole deſign of ſeeking which is the beſt form of government, or what laws do moſt conduce to its perfection and permanency, (if one rule were by nature appointed for all, and none could juſtly tranſgreſs it; if God had deſigned an univerſal lord over the whole world, or a particular one over every nation, who could be bound by no law) were utterly abſurd; and they who write books concerning political matters, and take upon them to inſtruct nations how to govern themſelves, would be found either fooliſhly to miſpend their time, or impiouſly to incite people to rebel againſt the ordinance of God. If this can juſtly be imputed to Plato, he is not the wiſe man he is ſuppoſed to have been; and can leſs deſerve the title of divine, which our author gives him: but if he remain juſtly free from ſuch cenſures, it muſt be confeſſed that whilſt he ſeeks what is good for a people, and to convince them by reaſon that it is ſo, he takes it for granted, that they have a liberty of chuſing that which appears to be the beſt to them*. He firſt ſays, that this good conſiſts in obtaining of juſtice; but farther explaining himſelf, he ſhews that under the name of juſtice, he comprehends all that tends to their perfection and felicity; in as much as every people, by joining in a civil ſociety, and creating magiſtrates, doth ſeek its own good; and 'tis juſt, that he or they who are are created, ſhould, to the utmoſt of their power, accompliſhthe end of their creation, and lead the people to juſtice, without which there is neither perfection nor happineſs: That the proper act of juſtice is to give to every one his due; to man

* Plato de leg.

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that which belongs to man, and to God that which is God's. But as no man can be juſt, or deſire to be ſo, unleſs he know that juſtice is good; nor know that it is good, unleſs he know that original juſtice and goodneſs, through which all that is juſt is juſt, and all that is good is good, 'tis impoſſible for any man to perform the part of a good magiſtrate, unleſs he have the knowledge of God; or to bring a people to juſtice, unleſs he bring them to the knowledge of God, who is the root of all juſtice and goodneſs. If Plato therefore deſerve credit, he only can duly perform the part of a good magiſtrate, whoſe moral virtues are ripened and heightned by a ſuperinduction of divine knowledge. The miſery of man proceeds from his being ſeparated from God: This ſeparation is wrought by corruption; his reſtitution therefore to felicity and integrity, can only be brought about by his reunion to the good from which he is fallen. Plato looks upon this as the only worthy object of man's deſire; and in his laws and politicks he intends not to teach us how to erect manufactures, and to increaſe trade or riches; but how magiſtrates may be helpful to nations in the manner before-mentioned, and conſequently what men are fit to be magiſtrates. If our author therefore would make uſe of Plato's doctrine to his end, he ought to have proved that there is a family in every nation, to the chief of which, and ſucceſſively to the next in blood, God does ever reveal and infuſe ſuch a knowledge of himſelf, as may render him a light to others; and failing in this, all that he ſays is to no purpoſe.

The weakneſs in which we are born, renders us unable to attain this good of our ſelves: we want help in all things, eſpecially in the greateſt. The fierce barbarity of a looſe multitude, bound by no

law, and regulated by no diſcipline, is wholly repugnant to it: Whilſt every man fears his neighbour, and has no other defence than his own ſtrength, he muſt live in that perpetual anxiety which is equally contrary to that happineſs, and that ſedate temper of mind which is required for the ſearch of it. The firſt ſtep towards the cure of this peſtilent evil, is for many to join in one body, that every one may be protected by the united force of all; and the various talents that men poſſeſs, may by good diſcipline be rendered uſeful to the whole; as the meaneſt piece of wood or ſtone being placed by a wiſe architect, conduces to the beauty of the moſt glorious building. But every man bearing in his own breaſt affections, paſſions, and vices that are repugnant to this end, and no man owing any ſubmiſſion to his neighbour; none will ſubject the correction or reſtriction of themſelves to another, unleſs he alſo ſubmit to the ſame rule. They are rough pieces of timber or ſtone, which 'tis neceſſary to cleave, ſaw, or cut: This is the work of a ſkilful builder, and he only is capable of erecting a great fabrick, who is ſo: Magiſtrates are political architects; and they only can perform the work incumbent on them, who excel in political virtues. Nature, in variouſly framing the minds of men, according to the variety of uſes in which they may be imploy'd, in order to the inſtitution and preſervation of civil ſocieties, muſt be our guide, in alloting to every one his proper work. And Plato obſerving this variety, affirms, that the laws of nature cannot be more abſurdly violated, than by giving the government of a people to ſuch, as do not excel others in thoſe arts and virtues that tend to the ultimate ends for which governments are inſtituted. By this means thoſe who are ſlaves by nature, or rendered ſo by their vices, are often ſet above

above thoſe that God and nature had fitted for the higheſt commands; and ſocieties which ſubſiſt only by order, fall into corruption, when all order is ſo prepoſterouſly inverted, and the moſt extreme confuſion introduced. This is an evil that Solomon deteſted: "Folly is ſet in great dignity, and the "rich ſit in low places: I have ſeen ſervants upon "horſes, and princes walking as ſervants upon the "earth *:" They who underſtand Solomon's language, will eaſily ſee, that the rich, and the princes he means, are ſuch only who are rich in virtue and wiſdom, and who ought to be preferred for thoſe qualities: And when he ſays, a ſervant that reigneth is one of the "three things the earth cannot bear," he can only mean ſuch as deſerve to be ſervants; for when they reign, they do not ſerve, but are ſerved by others: which perfectly agrees with what we learn from Plato, and plainly ſhews, that true philoſophy is perfectly comformable with what is taught us by thoſe who were divinely inſpired. Therefore tho' I ſhould allow to our author, that Ariſtotle, in thoſe words, "It ſeems to ſome, not to be "natural for one man to be lord of all the citizens, "ſince the city conſiſts of equals," did ſpeak the opinion of others rather than his own; and ſhould confeſs that he and his maſter Plato, did acknowledge a natural inequality among men, it would be nothing to his purpoſe: for the inequality, and the rational ſuperiority due to ſome, or to one, by reaſon of that inequality, did not proceed from blood or extraction, and had nothing patriarchical in it; but conſiſted ſolely in the virtues of the perſons, by which they were rendred more able than others to perform their duty, for the good of the ſociety. Therefore if theſe authors are to be truſted, whatſoever place a man is advanc-

* Eccl. x. 7.

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ed to in a city, 'tis not for his own ſake, but for that of the city; and we are not to aſk who was his father, but what are his virtues in relation to it. This induces a neceſſity of diſtinguſhing between a ſimple and a relative inequality; for if it were poſſible for a man to have great virtues, and yet no way beneficial to the ſociety of which he is, or to have ſome one vice that renders them uſeleſs, he could have no pretence to a magiſtratical power, more than any other. They who are equally free, may equally enjoy their freedom; but the powers that can only be executed by ſuch as are endowed with great wiſdom, juſtice and valour, can belong to none, nor be rightly conferred upon any, except ſuch as excel in thoſe virtues. And if no ſuch can be found, all are equally by turns to participate of the honours annexed to magiſtracy; and law, which is ſaid to be written reaſon, cannot juſtly exalt thoſe, whom nature, which is reaſon, hath depreſſed, nor depreſs thoſe whom nature hath exalted. It cannot make kings ſlaves, nor ſlaves kings, without introducing that evil, which, if we believe Solomon, and the ſpirit by which he ſpoke, "the earth cannot bear." This may diſcover what lawgivers deſerve to be reputed wiſe or juſt; and what decrees or ſanctions ought to be reputed laws. Ariſtotle proceeding by this rule, rather tells us, who is naturally a king, than where we ſhould find him; and after having given the higheſt praiſes to this true natural king and his government, he ſticks not to declare that of one man, in virtue equal or inferior to others, to be a meer tyranny, even the worſt of all, as it is the corruption of the beſt, (or, as our author calls it, the moſt divine) and ſuch as can be fit only for thoſe barbarous and ſtupid nations, which, tho' bearing the ſhape of men, are little different from beaſts.

Whoever therefore will from Ariſtotle's words infer, that nature has deſigned one man, or ſucceſſion of men, to be lords of every country, muſt ſhew that man to be endowed with all the virtues, that render him fit for ſo great an office, which he does not bear for his own pleaſure, glory or profit, but for the good of thoſe that are under him; and if that be not done, he muſt look after other patrons than Ariſtotle for his opinion.

Plato does more explicitly ſay, that the civil or politic man, the ſhepherd, father, or king of a people, is the ſame, deſign'd for the ſame work, enabled to perform it by the excellency of the ſame virtues, and made perfect by the infuſion of the divine wiſdom. This is Plato's monarch; and I confeſs, that whereſoever he does appear in the world, he ought to be accounted as ſent from God for the good of that people. His government is the beſt that can be ſet up among men; and if aſſurance can be given, that his children, heirs or ſucceſſors, ſhall for ever be equal to him in the above-mentioned virtues, it were a folly and a ſin to bring him under the government of any other, or to an equality with them, ſince God had made him to excel them all; and 'tis better for them to be ruled by him, than to follow their own judgment. This is that which gives him the preference: "He is wiſe through the "knowledge of the truth, and thereby becomes "good, happy, pure, beautiful and perfect. The "divine light ſhining forth in him, is a guide to "others; and he is a fit leader of a people to the "good that he enjoys*." If this can be expreſſed by words in faſhion, this is his prerogative; this is the royal charter given to him by God; and to him only, who is ſo adapted for the performance of his

* Plato in Alcib. I. 1, 2.

office.

office. He that ſhould pretend to the ſame privileges, without the ſame abilities to perform the works for which they are granted, would exceed the folly of a child, that takes upon him a burthen which can only be born by a giant; or the madneſs of one who preſumes to give phyſic, and underſtands not the art of a phyſician, thereby drawing guilt upon himſelf, and death upon his patient. It were as vain to expect that a child ſhould carry the giant's burden, and that an ignorant man ſhould give wholſome phyſic, as that one who lives void of all knowledge of good, ſhould conduct men to it. Whenſoever therefore ſuch a man, as is above-deſcribed, does not appear, nature and reaſon inſtruct us to ſeek him or them who are moſt like to him; and to lay ſuch burdens upon them as are proportionable to their ſtrength; which is as much as to ſay, to prefer every man according to his merit, and aſſign to every one ſuch works as he ſeems able to accompliſh.

But that Plato and Ariſtotle may neither be thought unreaſonably addicted to monarchy; nor, wholly rejecting it, to have talked in vain of a monarch, that is not to be found; 'tis good to conſider that this is not a fiction. Moſes, Joſhua, Samuel, and others were ſuch as they define; and were made to be ſuch, by that communion with God which Plato requires: And he in all his writings, intending the inſtitution of ſuch a diſcipline as ſhould render men happy, wiſe and good, could take no better way to bring his countrymen to it, than by ſhewing them that wiſdom, virtue, and purity only could make a natural difference among men.

'Tis not my work to juſtify theſe opinions of Plato and his ſcholar Ariſtotle: They were men,

and, tho' wiſe and learned, ſubject to error. If they erred in theſe points, it hurts not me, nor the cauſe I maintain, ſince I make no other uſe of their books, than to ſhew the impudence and prevarication of thoſe, who gather ſmall ſcraps out of good books, to juſtify their aſſertions concerning ſuch kings as are known amongſt us; which being examined, are found to be wholly againſt them; and if they were followed, would deſtroy their perſons and power.

But our author's intention being only to cavil, or to cheat ſuch as are not verſed in the writings of the antients, or at leaſt to cauſe thoſe who do not make truth their guide, to waver and fluctuate in their diſcourſes, he does in one page ſay, "That without "doubt Moſes his hiſtory of the creation guided "theſe philoſophers in finding out this lineal "ſubjection:" And in the next affirms, "That "the ignorance of the creation, occaſioned ſeveral "amongſt the heathen philoſophers to think that "men met together as herds of cattle:" Whereas they could not have been ignorant of the creation, if they had read the books that Moſes writ; and having that knowledge, they could not think that men met together as herds of cattle. However, I deny that any of them did ever dream of that lineal ſubjection, derived from the firſt parents of mankind, or that any ſuch thing was to be learnt from Moſes. Tho' they did not perhaps juſtly know the beginning of mankind, they did know the beginnings and progreſs of the governments under which they lived; and being aſſured that the firſt kingdoms had been thoſe, which they called Heroum Regna, that is, of thoſe who had been moſt beneficial to mankind; that their deſcendants in many places degenerating from their virtues, had given nations occaſion to ſet up Ariſtocracies; and

they alſo falling into corruption, to inſtitute Democracies, or mixed governments; did rightly conclude, that every nation might juſtly order their own affairs according to their own pleaſure, and could have neither obligation nor reaſon to ſet up one man or a few above others, unleſs it did appear to them that they had more of thoſe virtues, which conduce to the good of civil ſocieties, than the reſt of their brethren.

Our author's cavil upon Ariſtotle's opinion, "That thoſe who are wiſe in mind are by nature "fitted to be lords, and thoſe who are ſtrong of "body ordained to obey," deſerves no anſwer; for he plainly falſifies the text: Ariſtotle ſpeaks only of thoſe qualities which are required for every purpoſe; and means no more, than that ſuch as are eminent in the virtues of the mind deſerve to govern, tho' they do not excel in bodily ſtrength; and that they who are ſtrong of body, tho' of little underſtanding, and incapable of commanding, may be uſeful in executing the commands of others: but is ſo far from denying that one man may excel in all the perfections of mind and body, that he acknowledges him only to be a king by nature who does ſo, both being required for the full performance of his duty. And if this be not true, I ſuppoſe that one who is like Agrippa Poſthumus, "Corporis viribus ſtolidé ferox," may be fit to govern many nations; and Moſes or Samuel, if they naturally wanted bodily ſtrength, or that it decayed by age, might juſtly be made ſlaves, which is a diſcovery worthy our author's invention.

SECT. II.

Every man that hath children, hath the right of a father, and is capable of preferment in a ſociety compoſed of many.

I Am not concerned in making good what Suarez ſays: a Jeſuit may ſpeak that which is true; but it ought to be received, as from the devil, cautiouſly, leſt miſchief be hid under it: and Sir Robert's frequent prevarications upon the ſcripture, and many good authors, give reaſon to ſuſpect he may have falſified one, that few Proteſtants read, if it ſerved to his purpoſe; and not mentioning the place, his fraud cannot eaſily be diſcovered, unleſs it be by one who has leiſure to examine all his vaſtly voluminous writings. But as to the point in queſtion, that pains may be ſaved; there is nothing that can be imputed to the invention of Suarez; for, "that Adam had only an œconomical, not a "political power," is not the voice of a Jeſuit, but of nature and common ſenſe: for politic ſignifying no more in Greek, than civil in Latin, 'tis evident there could be no civil power, where there was no civil ſociety; and there could be none between him and his children, becauſe a civil ſociety is compoſed of equals, and fortified by mutual compacts, which could not be between him and his children, at leaſt, if there be any thing of truth in our author's doctrine, "That all children "do perpetually and abſolutely depend upon the "will of their father." Suarez ſeems to have been of another opinion; and obſerving the benefits we receive from parents, and the veneration we owe to them

them to be reciprocal, he could not think any duty could extend farther than the knowledge of the relation upon which it was grounded; and makes a difference between the power of a father, before and after his children are made free; that is in truth, before and after they are able to provide for themſelves, and to deliver their parents from the burden of taking care of them: which will appear rational to any who are able to diſtinguiſh between what a man of fifty years old, ſubſiſting by himſelf, and having a family of his own, or a child of eight doth owe to his father: The ſame reaſon that obliges a child to ſubmit entirely to the will of his parents, when he is utterly ignorant of all things, does permit, and often enjoin men of ripe age to examine the commands they receive before they obey them; and 'tis not more plain that I owe all manner of duty, affection, and reſpect to him that did beget and educate me, than that I can owe nothing on any ſuch account to one that did neither.

This may have been the opinion of Suarez: but I can hardly believe ſuch a notion, as, "that Adam "in proceſs of time might have ſervants," could proceed from any other brain than our author's; for if he had lived to this day, he could have had none under him but his own children; and if a family be not compleat without ſervants, his muſt always have been defective; and his kingdom muſt have been ſo too, if that has ſuch a reſemblance to a family as our author fancies. This is evident, that a hard father may uſe his children as ſervants, or a rebellious, ſtubborn ſon may deſerve to be ſo uſed; and a gentle and good maſter may ſhew that kindneſs to faithful and well-deſerving ſervants, which reſembles the ſweetneſs of a fatherly rule: but neither of them can change their nature; a ſon can never

grow to be a ſervant, nor a ſervant to be a ſon. If a family therefore be not compleat, unleſs it conſiſt of children and ſervants, it cannot be like to a kingdom or city, which is compoſed of freemen and equals: Servants may be in it, but are not members of it. As truth can never be repugnant to juſtice, 'tis impoſſible this ſhould be a prejudice to the paternal rule, which is moſt juſt; eſpecially when a grateful remembrance of the benefits received, doth ſtill remain, with a neceſſary and perpetual obligation of repaying them in all affection and duty: whereas the care of ever providing for their families, as they did probably increaſe in the time of our firſt long living fathers, would have been an inſupportable burden to parents, if it had been incumbent on them. We do not find that Adam exerciſed any ſuch power over Cain, when he had ſlain Abel, as our author fancies to be regal: the murderer went out, and built a city for himſelf, and called it by the name of his firſt-born. And we have not the leaſt reaſon to believe, that after Adam's death Cain had any dominion over his brethren, or their poſterity; or any one of them over him and his. He feared that whoſoever ſaw him would kill him, which language does not agree with the rights belonging to the haughty title of heir apparent to the dominion of the whole earth. The like was practiſed by Noah and his ſons, who ſet up colonies for themſelves: but lived as private men in obſcure places, whilſt their children of the fourth or fifth generation, eſpecially of the youngeſt and accurſed ſon, were great and powerful kings, as is fully proved in the firſt chapter.

Tho' this had been otherwiſe, it would have no effect upon us; for no argument drawn from the examples of Shem, Ham, and Japhet, if they and their

their children had continued under the dominion of Noah as long as he lived, can oblige me to reſign myſelf and all my concernments abſolutely into the hands of one who is not my father. But when the contrary is evidently true in them, and their next enſuing generations, 'tis an admirable boldneſs in our author to think of impoſing upon us for an eternal and univerſal law (when the knowledge of our firſt progenitors is utterly extinguiſhed) that which was not at all regarded by thoſe, who could not be ignorant of their own original, or the duty thereby incumbent upon them, or their immediate fathers then living, to whom the rights muſt have belonged, if there had been any ſuch thing in nature, or that they had been of any advantage to them: whereas in truth, if there had been ſuch a law in the beginning it muſt have vaniſhed of itſelf, for want of being exerciſed in the beginning, and could not poſſibly be revived after four thouſand years, when no man in the world can poſſibly know to whom the univerſal right of dominion over the whole world or particular nations does belong; for 'tis in vain to ſpeak of a right, when no one man can have a better title to it than any other. But there being no precept in the ſcripture for it, and the examples directed or approved by God himſelf and his moſt faithful ſervants, being inconſiſtent with, and contrary to it, we may be ſure there never was any ſuch thing; and that men being left to the free uſe of their own underſtanding, may order and diſpoſe of their own affairs as they think fit. No man can have a better title than another, unleſs for his perſonal virtues; every man that in the judgment of thoſe concerned excels in them, may be advanced: and thoſe nations that through miſtake ſet up ſuch as are unworthy, or do not take right meaſures in pro-

providing for a ſucceſſion of men worthy, and other things neceſſary to their welfare, may be guilty of great folly, to their own ſhame and miſery; but can do no injuſtice to any people, in relation to an hereditary right, which can be naturally in none.

SECT. III.

Government is not inſtituted for the good of the governor, but of the governed; and power is not an advantage, but a burden.

THE follies with which our author endeavours to corrupt and trouble the world, ſeem to proceed from his fundamental miſtakes of the ends for which governments are conſtituted; and from an opinion, that an exceſſive power is good for the governor, or the diminution of it a prejudice: whereas common ſenſe teaches, and all good men acknowledge, that governments are not ſet up for the advantage, profit, pleaſure or glory of one or a few men, but for the good of the ſociety. For this reaſon Plato and Ariſtotle find no more certain way of diſtinguiſhing between a lawful king and a tyrant, than that the firſt ſeeks to procure the common good, and the other his own pleaſure or profit; and doubt not to declare, that he who according to his inſtitution was the firſt, deſtroys his own being, and degenerates into the latter, if he deflect from that rule: He that was the beſt of men, becomes the worſt; and the father or ſhepherd of the people makes himſelf their enemy. And we may from hence collect, that in all controverſies concerning the power of magiſtrates, we are not to examine what conduces to their profit or glory, but what is good for the publick.

His

His ſecond error is no leſs groſs and miſchievous than the firſt; and that abſolute power to which he would exalt the chief magiſtrate, would be burdenſome, and deſperately dangerous if he had it. The higheſt places are always ſlippery: mens eyes dazzle when they are carried up to them; and all falls from them are mortal. Few kings or tyrants, ſays* Juvenal, go down to the grave in peace; and he did not imprudently couple them together, becauſe in his time few or no kings were known who were not tyrants. Dionyſius thought no man left a tyranny, till he was drawn out by the heels. But Tacitus ſays, "Neſcit quam grave & intolerandum "ſit cuncta regendi onus." Moſes could not bear it: Gideon would not accept of any reſemblance of it. The moral ſenſe of Jotham's wiſe parable is eternal: The bramble coveted the power, which the vine, olive and fig-tree refuſed. The worſt and baſeſt of men are ambitious of the higheſt places, which the beſt and wiſeſt reject; or if ſome, who may be otherwiſe well qualified——

[In this place two pages are wanting in the original manuſcript.]

——as the fitteſt to be followed by mankind. If theſe philoſophers and divines deſerve credit, Nimrod, Ninus, Pharaoh, and the reſt of that accurſed crew, did not commit ſuch exceſſes as were condemned by God, and abhorred by good men; but gaining to themſelves the glorious character of his vicegerents, left their practices as a perpetual law to all ſucceeding generations; whereby the world, and every part of it, would be for ever expoſed to the violence, cruelty and madneſs of the moſt wicked men that it ſhould produce. But if theſe opinions com-

* ——Sine cæde & ſanguine pauci
Deſcendunt reges, & ſicca morte tyranni. *Juven. Sat.*

pre-

prehend an extravagancy of wickedneſs and madneſs, that was not known among men, till ſome of theſe wretches preſumed to attempt the increaſe of that corruption under which mankind groans, by adding fuel to the worſt of all vices; we may ſafely return to our propoſitions, that God having eſtabliſhed no ſuch authority as our author fancies, nations are left to the uſe of their own judgment, in making proviſion for their own welfare: that there is no lawful magiſtrate over any of them, but ſuch as they have ſet up; that in creating them they do not ſeek the advantage of their magiſtrate, but their own: and having found that an abſolute power over a people, is a burden which no man can bear; and that no wiſe or good man ever deſired it; from thence conclude, that it is not good for any to have it, nor juſt for any to affect it, tho' it were perſonally good for himſelf; becauſe he is not exalted to ſeek his own good, but that of the publick.

SECT. IV.

The paternal right devolves to, and is inherited by all the children.

THO' the perverſity of our author's judgment and nature may have driven him into the moſt groſs errors, 'tis not amiſs to obſerve, that many of thoſe delivered by him, proceed from his ignorance of the moſt important differences between father and lord, king and tyrant; which are ſo evident and irreconcilable, that one would have thought no man could be ſo ſtupid, as not to ſee it impoſſible for one and the ſame man, at the ſame time, to be father and maſter, king and tyrant, over the ſame perſons. But leſt he ſhould think me too ſcrupulous, or too ſtrict in inquiring after truth, I intend for the preſent to wave that inquiry, and to ſeek what was good for

Adam

Adam or Noah: what we have reaſon to believe they deſired to tranſmit to their poſterity, and to take it for a perpetual law in its utmoſt extent; which I think will be of no advantage to our author: for this authority, which was univerſal during their lives, muſt neceſſarily after their deceaſe be divided, as an inheritance, into as many parcels as they had children. The apoſtle ſays, "If children, then "heirs, heirs of God, and joint heirs with Chriſt *;" which alluding to the laws and cuſtoms of nations, could have been of no force, unleſs it had been true and known to be ſo. But if children are heirs, or joint heirs, whatſoever authority Adam or Noah had, is inherited by every man in the world; and that title of heir which our author ſo much magnifies, as if it were annexed to one ſingle perſon, vaniſhes into nothing; or elſe the words of the apoſtle could have neither ſtrength nor truth in them, but would be built upon a falſe foundation, which may perhaps agree with our author's divinity.

Yet if the apoſtle had not declared himſelf ſo fully in this point, we might eaſily have ſeen that Adam and Noah did leave their children in that equality; for fathers are ever underſtood to embrace all their children with equal affection, till the diſcovery of perſonal virtues or vices make a difference. But the perſonal virtues, that give a reaſonable preference of one before another, or make him more fit to govern than the others, cannot appear before he is, nor can be annexed to any one line: Therefore the father cannot be thought to have given to one man, or his deſcendants, the government of his brethren and their deſcendants.

Beſides, tho' the law of England may make one man to be ſole heir of his father, yet the laws of

* Rom. viii. 19.

God

God and nature do not ſo. All the children of Noah were his heirs: The land promiſed to Abraham, Iſaac and Jacob, was equally divided among their children. If the children of Joſeph made two tribes, it was not as the firſt-born, but by the will of Jacob, who adopted Ephraim and Manaſſeh; and they thereby became his ſons, and obtained an inheritance equal to that of the other tribes. The law allowed a double portion to the firſt-begotten; but this made a difference between brothers only in proportion, whereas that between lord and ſervant, is in ſpecie, not in degree. And if our author's opinion might take place, inſtead of ſuch a diviſion of the common inheritance between brothers, as was made between the children of Jacob, all muſt continue for ever ſlaves to one lord; which would eſtabliſh a difference in ſpecie between brethren, which nature abhors.

If nature does not make one man lord over his brethren, he can never come to be their lord, unleſs they make him ſo, or he ſubdue them. If he ſubdue them, it is an act of violence, contrary to right, which may conſequently be recovered: If they make him lord, 'tis for their own ſakes not for his; and he muſt ſeek their good, not his own, leſt, as Ariſtotle ſays, he degenerate from a king into a tyrant. He therefore who would perſuade us, that the dominion over every nation, does naturally belong to one man, woman or child, at a venture; or to the heir, whatſoever he or ſhe be, as to age, ſex, or other qualifications, muſt prove it good for all nations to be under them. But as reaſon is our nature, that can never be natural to us that is not rational. Reaſon gives Paria paribus, equal power to thoſe who have equal abilities and merit: It allots to every one the part he is moſt fit to perform; and this

this fitneſs muſt be equally laſting with the law that allots it. But as it can never be good for great nations, having men amongſt them of virtue, experience, wiſdom and goodneſs, to be governed by children, fools, or vicious and wicked perſons; and we neither find that the virtues required in ſuch as deſerve to govern them, did ever continue in any race of men, nor have reaſon to believe they ever will, it can never be reaſonable to annex the dominion of a nation to any one line. We may take this upon Solomon's word, "Wo to thee, O land, "when thy king is a child, and thy princes eat in "the morning †:" And I wiſh the experience of all ages, did not make this truth too evident to us. This therefore can never be the work, much leſs the law of nature; and if there be any ſuch thing in the world, as the dominion over a nation, inſeparably united to a man and his family, it can have no other root, than a civil or municipal law, which is not the ſubject of our diſcourſe.

Moreover, every father's right muſt ceaſe, when he ceaſes to be; or be tranſmitted to thoſe, who being alſo fathers, have the ſame title to it. And tho' the contrary method of annexing the whole inheritance to one perſon, or expoſing all his brethren to be deſtroyed by his rage, if they will not ſubmit, may conduce to the enlargement of a proud and violent empire, as in Turky; where he that gains the power, uſually begins his reign with the ſlaughter of his brothers and nephews: yet it can never agree with the piety, gentleneſs and wiſdom of the patriarchs, or the laws of God and nature.

Theſe things being agreed, we need not trouble ourſelves with the limits or definition of a family, and as little with the titles given to the head of it:

† Eccl. x, 16.

'Tis

'Tis all one to us, whether it be confined to one roof and fire, or extended farther; and none but ſuch as are ſtrangers to the practice of mankind, can think that titles of civility have a power to create a right of dominion. Every man in Latin is called Dominus, unleſs ſuch as are of the vileſt condition, or in a great ſubjection to thoſe who ſpeak to them; and yet the word ſtrictly taken, relates only to Servus, for a man is lord only of his ſervant or ſlave. The Italians are not leſs liberal of the titles of Signore and Padrone, and the Spaniards of Sennor; but he would be ridiculous in thoſe countries, who thereupon ſhould arrogate to himſelf a right of dominion over thoſe who are ſo civil. The vanity of our age ſeems to carry this point a little higher, eſpecially among the French, who put a great weight upon the word Prince; but they cannot change the true ſignification of it; and even in their ſenſe, "Prince du ſang" ſignifies no more than a chief man of the royal blood, to whom they pay much reſpect, becauſe he may come to the crown; as they at Rome do to cardinals, who have the power of chuſing popes, and out of whoſe number, for ſome ages, they have been choſen. In this ſenſe did Scevola, when he was apprehended by Porſenna, ſay, "Trecenti con-"juravimus Romanæ juventutis principes *;" which was never otherwiſe underſtood, than of ſuch young citizens as were remarkable amongſt their companions. And nothing can be more abſurd than to think, if the name of prince had carried an abſolute and deſpotical power with it, that it could belong to three hundred in a city, that poſſeſſed no more than a ten miles territory; or that it could have been given to them, whilſt they were young, and the

* T. Liv. l. 2.

moſt

moſt part of their fathers, as is moſt probable, ſtill living.

I ſhould, like our author, run round in a circle, if I ſhould refute what he ſays of a regal power in our firſt parents; or ſhew, that the regal, where it is, is not abſolute as often as he does aſſert it. But having already proved, that Adam, Noah, Abraham, Iſaac, Jacob, &c. enjoyed no ſuch power; tranſmitted to every one of their ſons that which they had, and they became fathers of many great nations who always continued independent on each other, I leave to our author to prove, when and by what law the right of ſubdividing the paternal power was ſtopped, and how any one or more of their deſcendants came to have that power over their brethren, which none of their immediate children had over theirs.

His queſtion to Suarez, how and when ſons become free, ſavours more of jeſuitical ſophiſtry, than any thing ſaid by the Jeſuit; but the ſolution is eaſy: for if he mean the reſpect, veneration and kindneſs proceeding from gratitude, it ceaſes only with the life of the father to whom it is due, and the memory of it muſt laſt as long as that of the ſon; and if they had been poſſeſſed of ſuch an abſolute power as he fancies, it muſt have ceaſed with the reaſons upon which it was grounded.

Firſt, becauſe the power, of which a father would probably have made a wiſe and gentle uſe, could not be rightly truſted in the hands of one who is not a father; and that which tended only to the preſervation of all the children, could not be turned to the increaſe of the pride, luxury and violence of one, to the oppreſſion of others who are equally heirs.

In the ſecond place, ſocieties cannot be inſtituted, unleſs the heads of the families that are to compoſe them, reſign ſo much of their right as ſeems convenient into the publick ſtock, to which every one becomes ſubject: but that the ſame power ſhould, at the ſame time, continue in the true father, and the figurative father, the magiſtrate; and that the children ſhould owe intire obedience to the commands of both, which may often croſs each other, is abſurd.

Thirdly, it ceaſes when it cannot be executed; as when men live to ſee four or five generations, as many do at this day, becauſe the ſon cannot tell whether he ſhould obey his father, grandfather, or great-grandfather, and cannot be equally ſubject to them all; moſt eſpecially, when they live in divers places, and ſet up families of their own, as the ſons of the patriarchs did: which being obſerved, I know no place where this paternal power could have any effect, unleſs in the fabulous iſland of Pines; and even there it muſt have ceaſed, when he died, who by the inventor of the ſtory, is ſaid to have ſeen above ten thouſand perſons iſſued of his body.

And if it be ſaid, that Noah, Shem, Abraham, &c. conſented that their children ſhould go where they thought fit, and provide for themſelves; I anſwer, that the like has been done in all ages, and muſt be done for ever. 'Tis the voice of nature, obeyed, not only by mankind, but by all living creatures; and there is none ſo ſtupid as not to underſtand it. A hen leaves her chickens, when they can ſeek their own nouriſhment: a cow looks after her calf no longer, than till it is able to feed: a lion gives over hunting for his whelps, when they are able to ſeek their own prey, and have ſtrength enough to provide what is ſufficient for themſelves.

And

And the contrary would be an inſupportable burden to all living creatures, but eſpecially to men; for the good order that the rational nature delights in, would be overthrown, and civil ſocieties, by which it is beſt preſerved, would never be eſtabliſhed.

We are not concerned to examine, whether the political and oeconomical powers be intirely the ſame, or in what they differ: for that abſolute power which he contends for, is purely deſpotical, different from both, or rather inconſiſtent with either as to the ſame ſubject; and that which the patriarchs exerciſed, having been equally inherited by their children, and conſequently by every one of their poſterity, 'tis as much as is required for my purpoſe of proving the natural, univerſal liberty of mankind; and I am no way concerned in the queſtion, whether the firſt parents of mankind had a power of life and death over their children, or not.

SECT. V.

Freemen join together and frame greater or leſſer ſocieties, and give ſuch forms to them as beſt pleaſe themſelves.

THIS being eſtabliſhed, I ſhall leave Filmer to fight againſt Suarez or Bellarmin; or to turn one of them againſt the other, without any concernment in the combat, or the ſucceſs of it. But ſince he thereupon raiſes a queſtion, "Whether "the ſupreme power be ſo in the people, that there is "but one and the ſame power in all the people of "the world; ſo that no power can be granted, un-"leſs all men upon the earth meet, and agree to "chooſe a governor:" I think it deſerves to be anſwered, and might do it by propoſing a queſtion to him; Whether in his opinion, the empire of the

whole world doth, by the laws of God and nature, belong to one man, and who that man is? Or, how it came ſo to be divided, as we have ever known it to have been, without ſuch an injury to the univerſal monarch, as can never be repaired? But intending to proceed more candidly, and not to trouble myſelf with Bellarmin or Suarez, I ſay, that they who place the power in a multitude, underſtand a multitude compoſed of freemen, who think it for their convenience to join together, and to eſtabliſh ſuch laws and rules as they oblige themſelves to obſerve: which multitude, whether it be great or ſmall, has the ſame right, becauſe ten men are as free as ten millions of men; and tho' it may be more prudent in ſome caſes to join with the greater than the ſmaller number, becauſe there is more ſtrength, it is not ſo always: but however every man muſt therein be his own judge, ſince if he miſtake, the hurt is only to himſelf; and the ten may as juſtly reſolve to live together, frame a civil ſociety, and oblige themſelves to laws, as the greateſt number of men that ever met together in the world.

Thus we find that a few men aſſembling together upon the banks of the Tiber, reſolved to build a city, and ſet up a government among themſelves: and the multitude that met at Babylon, when their deſign of building a tower that ſhould reach up to heaven failed, and their language was confounded, divided themſelves, as our author ſays, into ſeventy two parcels, and by the ſame right might have divided into more, as their deſcendants did, into almoſt an infinite number before the death of their common father Noah. But we cannot find a more perfect picture of freemen, living according to their own will, than in Abraham and Lot: they went together into Canaan, continued together as long as

was convenient for them, and parted when their ſubſtance did ſo increaſe, that they became troubleſome to each other. In the like manner Iſmael, Iſaac, and Abraham's ſix ſons by Keturah, might have continued together and made one nation; Iſaac and Eſau, Moab and Ammon might have done ſo too; or all of them that came of the ſame ſtock might have united together; but they did not; and their deſcendants by the ſame rule might have ſubdivided perpetually, if they had thought it expedient for themſelves: and if the ſons of Jacob did not do the like, 'tis probable they were kept together by the hope of an inheritance promiſed to them by God, in which we find no ſhadow of a deſpotical dominion, affected by one as father or heir to the firſt father, or reputed to be the heir; but all continued in that fraternal equality, which according to Abraham's words to Lot they ought to do *. There was no lord, ſlave or vaſſal; no ſtrife was to be among them: they were brethren; they might live together, or ſeparate, as they found it convenient for themſelves. By the ſame law that Abraham and Lot, Moab and Ammon, Iſmael, Iſaac, and the ſons of Keturah, Jacob, Eſau, and their deſcendants, did divide and ſet up ſeveral governments, every one of their children might have done the like: and the ſame right remained to their iſſue, till they had by agreement engaged themſelves to each other. But if they had no dependance upon each other, and might live together in that fraternal equality which was between Abraham and Lot; or ſeparate, and continue in that ſeparation, or reunite; they could not but have a right of framing ſuch conditions of their reunion as beſt pleaſed themſelves. By this means every number of men, agreeing together and

* Gen. xiii.

framing a ſociety, became a compleat body, having all power in themſelves over themſelves, ſubject to no other human law than their own. All thoſe that compoſe the ſociety, being equally free to enter into it or not, no man could have any prerogative above others, unleſs it were granted by the conſent of the whole; and nothing obliging them to enter into this ſociety, but the conſideration of their own good; that good, or the opinion of it, muſt have been the rule, motive and end of all that they did ordain. 'Tis lawful therefore for any ſuch bodies to ſet up one, or a few men to govern them, or to retain the power in themſelves; and he or they who are ſet up, having no other power but what is ſo conferred upon them by that multitude, whether great or ſmall, are truly by them made what they are; and by the law of their own creation, are to exerciſe thoſe powers according to the proportion, and to the ends for which they were given.

Theſe rights, in ſeveral nations and ages, have been variouſly executed, in the eſtabliſhment of monarchies, ariſtocracies, democracies, or mixed governments, according to the variety of circumſtances; and the governments have been good or evil, according to the rectitude or pravity of their inſtitution, and the virtue and wiſdom, or the folly and vices of thoſe to whom the power was committed: but the end which was ever propoſed, being the good of the public, they only performed their duty, who procured it according to the laws of the ſociety, which were equally valid as to their own magiſtrates, whether they were few or many.

This might ſuffice to anſwer our author's queſtion; but he endeavours further to perplex it, by a fiction of his own brain, "That God gave this power to "the whole multitude met, and not to every particular

" ticular aſſembly of men :" And expects a proof, " That the whole multitude met, and divid- " ed this power which God gave them in groſs, " by breaking it into parcels, and by appointing a " diſtinct power to each commonwealth." He alſo fathers it upon the aſſertors of liberty ; " and does " not ſee, as he ſays, how there can be an election " of a magiſtrate by any commonwealth, that is " not an uſurpation upon the privilege of the whole " world, unleſs all mankind had met together, and " divided the power into parcels which God had " given them in groſs." But before I put myſelf to the trouble of anſwering that which is but an appendix to a whimſey of his own, I may juſtly aſk, what hurt he finds in uſurpation, who aſſerts, that the ſame obedience is due to all monarchs, whether they come in by inheritance, election or uſurpation ? If uſurpation can give a right to a monarch, why does it not confer the ſame upon a people ? Or rather, if God did in groſs confer ſuch a right upon all mankind, and they neither did, nor can meet together by conſent to diſpoſe of it for the good of the whole ; why ſhould not thoſe who can, and do conſent to meet together, agree upon that which ſeems moſt expedient to them for the government of themſelves ? Did God create man under the neceſſity of wanting government, and all the good that proceeds from it ; becauſe at the firſt all did not, and afterwards all could not meet to agree upon rules ? Or did he ever declare, that unleſs they ſhould uſe the firſt opportunity of dividing themſelves into ſuch parcels as were to remain unalterable, the right of reigning over every one ſhall fall to the firſt villain that ſhould dare to attempt it ? Is it not more conſonant to the wiſdom and goodneſs of God, to leave to every nation a liberty of repairing the miſchiefs

fallen upon them through the omiſſion of their firſt parents, by ſetting up governments among themſelves, than to lay them under a neceſſity of ſubmitting to any that ſhould inſolently aſpire to a domination over them? Is it not more juſt and reaſonable to believe, that the univerſal right not being executed, devolves upon particular nations, as members of the great body, than that it ſhould become the reward of violence or fraud? Or is it poſſible that any one man can make himſelf lord of a people, or parcel of that body, to whom God had given the liberty of governing themſelves, by any other means than violence or fraud, unleſs they did willingly ſubmit to him? If this right be not devolved upon any one man, is not the invaſion of it the moſt outrageous injury that can be done to all mankind, and moſt particularly to the nation that is enſlaved by it? Or if the juſtice of every government depends neceſſarily upon an original grant, and a ſucceſſion certainly deduced from our firſt fathers, does not he by his own principles condemn all the monarchies of the world, as the moſt deteſtable uſurpations, ſince not one of them that we know do any way pretend to it? Or, tho' I, who deny any power to be juſt that is not founded upon conſent, may boldly blame uſurpation, is it not an abſurd and unpardonable impudence in Filmer, to condemn uſurpation in a people, when he has declared that the right and power of a father may be gained by uſurpation; and that nations in their obedience are to regard the power, not the means by which it was gained? But not to loſe more time upon a moſt frivolous fiction, I affirm, that the liberty which we contend for is granted by God to every man in his own perſon, in ſuch a manner as may be uſeful to him and his poſterity, and as it was exerciſed by Noah,

Noah, Shem, Abraham, Iſaac, Jacob, &c. and their children, as has been proved, and not to the vaſt body of all mankind, which never did meet together ſince the firſt age after the flood, and never could meet to receive any benefit by it.

His next queſtion deſerves ſcorn and hatred, with all the effects of either, if it proceed from malice; tho' perhaps he may deſerve compaſſion, if his crime proceed from ignorance: "Was a general meeting "of a whole kingdom, ſays he, ever known for "the election of a prince?" But if there never was any general meetings of whole nations, or of ſuch as they did delegate and entruſt with the power of the whole, how did any man that was elected come to have a power over the whole? Why may not a people meet to chooſe a prince, as well as any other magiſtrate? Why might not the Athenians, Romans, or Carthaginians, have choſen princes as well as archons, conſuls, dictators or ſuffetes, if it had pleaſed them? Who choſe all the Roman kings, except Tarquin the proud, if the people did not; ſince their hiſtories teſtify, that he was the firſt who took upon him to reign "ſine "juſſu populi*? Who ever heard of a king of the Goths in Spain, that was not choſen by the nobility and people? Or, how could they chuſe him, if they did not meet in their perſons, or by their deputies, which is the ſame thing, when a people has agreed it ſhould be ſo? How did the kings of Sweden come by their power, unleſs by the like election, till the crown was made hereditary, in the time of Guſtavus the firſt, as a reward of his virtue and ſervice, in delivering that country from the tyranny of the Danes? How did Charles Guſtavus come to be king, unleſs it was by the election of the nobility?

* T. Liv. l. 1.

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He acknowledged by the act of his election, and upon all occaſions, that he had no other right to the crown than what they had conferred on him. Did not the like cuſtom prevail in Hungary and Bohemia, till thoſe countries fell under the power of the houſe of Auſtria? and in Denmark till the year 1660? Do not the kings of Poland derive their authority from this popular election, which he derides? Does not the ſtile of the oath of allegiance uſed in the kingdom of Arragon, as it is related by Antonio Perez ſecretary of ſtate to Philip II. ſhew, that their kings were of their own making? Could they ſay, "*We who are as good as you, make you "our king, on condition that you keep and obſerve "our privileges and liberties; and if not, not;" if he did not come in by their election? Were not the Roman emperors in diſorderly times choſen by the ſoldiers; and in ſuch as were more regular, by the ſenate with the conſent of the people?

Our author may ſay, the whole body of theſe nations did not meet at their elections; tho' that is not always true, for in the infancy of Rome, when the whole people dwelt within the walls of a ſmall city, they did meet for the choice of their kings, as afterwards for the choice of other magiſtrates. Whilſt the Goths, Franks, Vandals and Saxons, lived within the precincts of a camp, they frequently met for the election of a king, and raiſed upon a target the perſon they had choſen: but finding that to be inconvenient, or rather impoſſible, when they were vaſtly increaſed in number, and diſperſed over all the countries they had conquered, no better way was found, than to inſtitute gemotes, parliaments,

* Nos que valemos tanto come vos, os hazemos nueſtro Rey, con tal que nos guardeys nueſtros fueros y libertades, y ſino, no. *Relacion. de Ant. Perez.*

diets,

diets, cortez, aſſemblies of eſtates, or the like, to do that which formerly had been performed by themſelves; and when a people is, by mutual compact, joined together in a civil ſociety, there is no difference as to right, between that which is done by them all in their own perſons, or by ſome deputed by all, and acting according to the powers received from all.

If our author was ignorant of theſe things, which are the moſt common in all hiſtories, he might have ſpared the pains of writing upon more abſtruſe points; but 'tis a ſtupendous folly in him to preſume to raiſe doctrines depending upon the univerſal law of God and nature, without examining the only law that ever God did in a publick manner give to man. If he had looked into it, he might have learnt, that all Iſrael was, by the command of God, aſſembled at Miſpeth to chuſe a king, and did chuſe Saul*: He being ſlain, all Judah came to Hebron, and made David their king†; after the death of Iſhboſheth, all the tribes went to Hebron, and anointed him king over them, and he made a covenant with them before the Lord ‡. When Solomon was dead, all Iſrael met together in Shechem, and ten tribes diſliking the proceedings of Rehoboam, rejected him, and made Jeroboam their king‖. The ſame people in the time of the judges, had general aſſemblies, as often as occaſion did require, to ſet up a judge, make war, or the like: and the ſeveral tribes had their aſſemblies to treat of buſineſſes relating to themſelves. The hiſtories of all nations, eſpecially of thoſe that have peopled the beſt parts of Europe, are ſo full of examples in this kind, that no man can queſtion them, unleſs he be brutally ignorant, or maliciouſly contentious. The great matters among

* 1 Sam. x. † 2 Sam. ii. ‡ 2 Sam. v, ‖ 1 Kings xii.

the

the Germans were tranſacted " omnium conſenſu. " De minoribus conſultant principes: de majoribus " omnes §". The michelgemote among the Saxons was an aſſembly of the whole people: The baronagium is truly ſaid to be the ſame, in as much as it comprehended all the freemen, that is, all the people; for the difference between Civis and Servus is irreconcilable: and no man, while he is a ſervant, can be a member of a commonwealth; for he that is not in his own power, cannot have a part in the government of others. All the fore-mentioned northern nations had the like cuſtoms among them: the governments they had were ſo inſtituted. The utmoſt that any now remaining pretends to, is, to derive their right from them: if, according to Filmer, theſe firſt aſſemblies could not confer it upon the firſt, they had none: ſuch as claim under them, can inherit none from thoſe that had none; and there can be no right in all the governments we ſo much venerate; and nothing can tend more to their overthrow than the reception of our author's doctrine.

Tho' any one inſtance would be ſufficient to overthrow his general negative propoſition (for a rule is not generally true, if there be any juſt exception againſt it) I have alledged many, and find it ſo eaſy to increaſe the number, that there is no nation, whoſe original we know, out of whoſe hiſtories I will not undertake to produce the like: But I have not been ſolicitous preciſely to diſtinguiſh, which nations have acted in their own perſons, and which have made uſe of delegates; nor in what times they have changed from one way to the other: for if any have acted by themſelves, the thing is poſſible; and whatſoever is done by delegated pow-

§ C. Tacit. de mor. Germ.

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ers, muſt be referred to their principles; for none can give to any a power which they have not in themſelves.

He is graciouſly pleaſed to confeſs, that "when "men are aſſembled by a human power, that pow-"er that doth aſſemble them, may alſo limit the "manner of the execution of that power, &c. "But in aſſemblies that take their authority from "the law of nature, it is not ſo; for what liberty or "freedom is due to any man by the law of nature, "no inferior power can alter, limit or diminiſh: "no one man, or multitude of men, can give "away the natural right of another," &c. Theſe are ſtrong lines, and ſuch as, if there be any ſenſe in them, utterly overthrow all our author's doctrine; for if any aſſembly of men did ever take their authority from the law of nature, it muſt be of ſuch, as remaining in the intire fruition of their natural liberty, and reſtrained by no contract, meet together to deliberate of ſuch matters as concern themſelves; and if they can be reſtrained by no one man, or number of men, they may diſpoſe of their own affairs as they think fit. But becauſe no one of them is obliged to enter into the ſociety that the reſt may conſtitute, he cannot enjoy the benefit of that ſociety, unleſs he enter into it: he may be gone, and ſet up for himſelf, or ſet up another with ſuch as will agree with him. But if he enter into the ſociety he is obliged by the laws of it; and if one of thoſe laws be, that all things ſhould be determined by the plurality of voices, his aſſent is afterwards comprehended in all the reſolutions of that plurality. Reuben or Simeon might, according to the laws of nature, have divided themſelves from their brethren, as well as Lot from Abraham, or Iſmael and the ſons of Keturah from Iſaac; but when they, in hopes

hopes of having a part in the inheritance promiſed to their fathers, had joined with their brethren, a few of their deſcendants could not have a right, by their diſſent, to hinder the reſolutions of the whole body, or ſuch a part of it as by the firſt agreement was to paſs for an act of the whole. And the ſcripture teaches us †, that when the lot was fallen upon Saul, they who deſpiſed him were ſtiled men of Belial; and the reſt, after his victory over the Ammonites, would have ſlain them if he had permited. In the like manner, when a number of men met together to build Rome, any man who had diſliked the deſign, might juſtly have refuſed to join in it; but when he had entered into the ſociety, he could not by his vote invalidate the acts of the whole, nor deſtroy the rights of Romulus, Numa, and the others, who by the ſenate and people were made kings; nor thoſe of the other magiſtrates, who after their expulſion were legally created.

This is as much as is required to eſtabliſh the natural liberty of mankind in its utmoſt extent, and cannot be ſhaken by our author's ſurmiſe, "That a "gap is thereby opened for every ſeditious multitude "to raiſe a new commonwealth:" For till the commonwealth be eſtabliſhed, no multitude can be ſeditious, becauſe they are not ſubject to any human law; and ſedition implies an unjuſt and diſorderly oppoſition of that power which is legally eſtabliſhed; which cannot be when there is none, nor by him who is not a member of the ſociety that makes it; and when it is made, ſuch as entered into it, are obliged to the laws of it.

This ſhewing the root and foundation of civil powers, we may judge of the uſe and extent of them, according to the letter of the law, or the true intentional meaning of it; both which declare them to

† 1 Sam. x.

be

be purely human ordinances, proceeding from the will of thoſe who ſeek their own good; and may certainly infer, that ſince all multitudes are compoſed of ſuch as are under ſome contract, or free from all, no man is obliged to enter into thoſe contracts againſt his own will, nor obliged by any to which he does not aſſent: Thoſe multitudes that enter into ſuch contracts, and thereupon form civil ſocieties, act according to their own will: Thoſe that are engaged in none, take their authority from the law of nature; their rights cannot be limited or diminiſhed by any one man, or number of men; and conſequently whoever does it, or attempts the doing of it, violates the moſt ſacred laws of God and nature.

His cavils concerning proxies, and the way of uſing them, deſerve no anſwer, as relating only to one ſort of men amongſt us, and can have no influence upon the laws of nature, or the proceedings of aſſemblies, acting according to ſuch rules as they ſet to themſelves. In ſome places they have voted all together in their own perſons, as in Athens: in others by tribes, as in Rome: ſometimes by delegates, when the number of the whole people is ſo great, that no one place can contain them, as in the parliaments, diets, general aſſemblies of eſtates, long uſed in the great kingdoms of Europe. In other parts many cities are joined together in leagues, as antiently the Achaians, Etolians, Samnites, Tuſcans; and in theſe times the States of Holland, and cantons of Switzerland: but our author not regarding ſuch matters, in purſuance of his folly, with an ignorance as admirable as his ſtupidity, repeats his challenge, "I aſk, ſays he, but one example out of the hiſto-"ry of the whole world; let the commonwealth "be named, wherever the multitude, or ſo much

"as

" as the major part of it, conſented either by voice " or procuration to the election of a prince;" not obſerving, that if an anſwer could not be given, he did overthrow the rights of all the princes that are, or ever have been in the world: for if the liberty of one man cannot be limited or diminiſhed by one, or any number of men, and none can give away the right of another, 'tis plain that the ambition of one man, or of many, a faction of citizens, or the mutiny of an army, cannot give a right to any over the liberties of a whole nation. Thoſe who are ſo ſet up, have their root in violence or fraud, and are rather to be accounted robbers and pirates, than magiſtrates. Leo Africanus * obſerving in his hiſtory, that ſince the extinction of Mahomet's race (to whom his countrymen thought God had given the empire of the world) their princes did not come in by the conſent of thoſe nations which they governed, ſays, that they are eſteemed thieves; and that on this account, the moſt honourable men among the Arabians and Moors, ſcorn to eat, drink, or make alliances with them: and if the caſe were as general as that author makes it, no better rule could be any where followed by honourable and worthy men. But a good cauſe muſt not be loſt by the fault of an ill advocate; the rights of kings muſt not periſh, becauſe Filmer knows not how to defend, or does maliciouſly betray them. I have already proved that David, and divers of the judges, were choſen by all Iſrael; Jeroboam by ten tribes; all the kings of Rome, except Tarquin the proud, by the whole city. I may add many examples of the Saxons in our own country: Ina and Offa were made kings, " omnium conſenſu †:" Theſe All are expreſſed plainly by the words, " Archiepiſcopis, Epiſcopis,

* Leonis Afr. hiſt. Africæ. † Mat. Paris.

" Abbatibus,

" Abbatibus, Senatoribus, Ducibus & Populo terræ." Egbert and Ethelward came to the crown by the ſame authority, " Omnium conſenſu rex creatur ‡." Ethelwolf the Monk, " Neceſſitate cogente factus " eſt rex, & conſenſus publicus in regem dari petiit." Ethelſtan, tho' a baſtard, " Electus eſt magno con- " ſenſu optimatum, & a populo conſalutatus ‖." In the like manner Edwin's government being diſliked, they choſe Edgar, " Unanimi omnium conſpiratione; " Edwino dejecto, eligerunt Deo dictante Edgarum " in regem, & annuente populo §:" And in another place, " Edgarus ab omni Anglorum populo electus " eſt." Ironſide being dead, Canutus was received by the general conſent of all; " Juraverunt illi, " quod eum regem ſibi eligere vellent: fœdus etiam " cum principibus & omni populo ipſe, & illi cum " ipſo percuſſerunt †." Whereupon, " Omnium " conſenſu ſuper totam Angliam Canutus coronatur. " Hardicanutus gaudenter ab omnibus ſuſcipitur & " electus eſt *." The ſame author ſays that Edward the confeſſor " Electus eſt in regem ab omni popu- " lo :" And another, " Omnium electione in " Edwardum concordatur †." Tho' the name of conqueror be odiouſly given to William the Norman, he had the ſame title to the crown with his predeceſſors, " In magna exultatione a clero & populo ſuſ- " ceptus, & ab omnibus rex acclamatus." I cannot recite all the examples of this kind, that the hiſtory of almoſt all nations furniſhes, unleſs I ſhould make a volume in bulk not inferior to the book of Martyrs: But thoſe which I have mentioned out of the ſacred, Roman, and Engliſh hiſtory, being more than ſufficient to anſwer our author's challenge, I take liberty to add, that tho' there could not be one example

‡ Guil. Malmſ. Polid. ‖ Polid. Huntingd. § Mat. Weſt. Hoveden. † Florent. * Abbas Croyl. Huntingd. † Ingulf.

produced of a prince, or any other magiſtrate, choſen by the general conſent of the people, or by the major part of them, it could be of no advantage to the cauſe he has undertaken to maintain: For when a people hath either indefinitely, or under certain conditions and limitations, reſigned their power into the hands of a certain number of men; or agreed upon rules, according to which perſons ſhould, from time to time, be deputed for the management of their affairs, the acts of thoſe perſons, if their power be without reſtrictions, are of the ſame value as the acts of the whole nation, and the aſſent of every individual man is comprehended in them. If the power be limited, whatſoever is done according to that limitation, has the ſame authority. If it do therefore appear (as is teſtified by the laws and hiſtories of all our northern nations) that the power of every people is either wholly, or to ſuch a degree as is neceſſary for creating kings, granted to their ſeveral gemotes, diets, cortez, aſſemblies of eſtates, parliaments, and the like, all the kings that they have any where, or at any time choſen, do reign by the ſame authority and have the ſame right, as if every individual man of thoſe nations had aſſented to their election. But that theſe gemotes, diets, and other aſſemblies of ſtate, have every where had ſuch powers, and executed them by rejecting or ſetting up kings; and that the kings now in being among us have received their beginning from ſuch acts, has been fully proved, and is ſo plain in it ſelf, that none but thoſe who are groſly ſtupid or impudent can deny it: Which is enough to ſhew that all kings are not ſet up by violence, deceit, faction of a few powerful men, or the mutinies of armies; but from the conſent of ſuch multitudes, as joining together, frame civil ſocieties; and either in their own perſons

ſons at general aſſemblies, or by their delegates, confer a juſt and legal power upon them; which our author rejecting, he does, as far as in him lies, prove them all to be uſurpers and tyrants.

SECT. VI.

They who have a right of chooſing a king, have the right of making a king.

THO' the right of magiſtrates do eſſentially depend upon the conſent of thoſe they govern, it is hardly worth our pains to examine, "Whether the ſilent acceptation of a governor by "part of the people be an argument of their con-"curring in the election of him; or by the ſame "reaſon the tacit conſent of the whole common-"wealth may be maintained:" for when the queſtion is concerning right, fraudulent ſurmiſes are of no value; much leſs will it from thence follow, "that a prince commanding by ſucceſſion, conqueſt, "or uſurpation, may be ſaid to be elected by the "people;" for evident marks of diſſent are often given: ſome declare their hatred; others murmur more privately; many oppoſe the governor or government, and ſucceed according to the meaſure of their ſtrength, virtue, or fortune. Many would reſiſt, but cannot; and it were ridiculous to ſay, that the inhabitants of Greece, the kingdom of Naples, or dutchy of Tuſcany, do tacitly aſſent to the government of the great Turk, king of Spain, or duke of Florence; when nothing is more certain than that thoſe miſerable nations abhor the tyrannies they are under; and if they were not maſtered by a power that is much too great for them, they would ſoon free themſelves. And thoſe who are under ſuch governments do no more aſſent to them, tho' they

may be ſilent, than a man approves of being robbed, when, without ſaying a word, he delivers his purſe to a thief that he knows to be too ſtrong for him.

'Tis not therefore the bare ſufferance of a government when a diſguſt is declared, nor a ſilent ſubmiſſion when the power of oppoſing is wanting, that can imply an aſſent, or election, and create a right; but an explicit act of approbation, when men have ability and courage to reſiſt or deny. Which being agreed, 'tis evident that our author's diſtinction between eligere and inſtituere ſignifies nothing: tho', if the power of inſtituting were only left to nations, it would be ſufficient; for he is in vain elected who is not inſtituted; and he that is inſtituted is certainly elected; for his inſtitution is an election. As the Romans who choſe Romulus, Numa, and Hoſtilius to be kings; and Brutus, Valerius, or Lucretius to be conſuls, did make them ſo, and their right was ſolely grounded upon their election. The text brought by our author againſt this doth fully prove it, "Him ſhalt thou ſet king over thee whom "the Lord ſhall chooſe*;" for God did not only make the inſtitution of a king to be purely an act of the people, but left it to them to inſtitute one or not, as ſhould beſt pleaſe themſelves; and the words, "whom the Lord ſhall chooſe," can have no other ſignification, than that the people reſolving to have a king, and following the rules preſcribed by his ſervant Moſes, he would direct them in their choice; which relates only to that particular people in covenant with God, and immediately under his government, which no other was. But this pains might have been ſaved, if God by an univerſal law had given a rule to all. The Iſraelites could not have been three hundred years without a king, and then

* Deut. xvii.

left

left to the liberty of making one, or not, if he by a perpetual law had ordained that every nation ſhould have one; and it had been as well impertinent as unjuſt to deliberate who ſhould be king, if the dominion had by right of inheritance belonged to one: they muſt have ſubmitted to him whether they would or not: no care was to be taken in the election or inſtitution of him, who by his birth had a right annexed to his perſon that could not be altered: he could not have been forbidden "to multiply ſilver "or gold," who by the law of his creation might do what he pleaſed: it had been ridiculous to ſay, "he ſhould not raiſe his heart above his brethren," who had no brethren, that is, no equals; but was raiſed above all by God, who had impoſed upon all others a neceſſity of obeying him. But God, who does nothing in vain, did neither conſtitute or elect any till they deſired it, nor command them to do it themſelves, unleſs it ſo pleaſed themſelves; nor appoint them to take him out of any one line: every Iſraelite might be choſen: none but ſtrangers were excluded; and the people were left to the liberty of chooſing and inſtituting any one of their brethren.

Our author endeavouring by Hooker's authority to eſtabliſh his diſtinction between eligere and inſtituere, deſtroys it, and the paternal right, which he makes the foundation of his doctrine. "Heaps of "ſcripture are alledged, ſays he, concerning the ſo-"lemn coronation and inauguration of Saul, David, "Solomon and others, by nobles, antients, and "people of the commonwealth of Iſrael:" which is enough to prove that the whole work was theirs; that no other had any title more than what they beſtowed upon him: they were ſet up by the nobles, antients, and people: even God did no otherwiſe intervene than by ſuch a ſecret diſpoſition of the

lots by his providence, as is exerciſed in the government of all the things in the world; and we cannot have a more certain evidence, that a paternal right to dominion is a meer whimſy, than that God did not cauſe the lot to fall upon the eldeſt, of the eldeſt line, of the eldeſt tribe; but upon Saul, a young man, of the youngeſt tribe: and afterwards, tho' he had deſigned David, Solomon, Jeroboam, and others, who had no pretence to the paternal right to be kings, he left both the election and inſtitution of them to the elders and people.

But Hooker being well examined, it will appear that his opinions were as contrary to the doctrine of our author, as thoſe we have mentioned out of Plato and Ariſtotle. He plainly ſays, "It is impoſſible "that any ſhould have a compleat lawful power "over a multitude conſiſting of ſo many families, "as every politic ſociety doth, by conſent of men, "or immediate appointment from God: Becauſe "not having the natural ſuperiority of fathers, their "power muſt needs be uſurped, and then unlawful; or if lawful, then either granted or "conſented unto by them over whom they exerciſe "the ſame, or elſe given extraordinarily by God*". And tho' he thinks kings to have been the firſt governors ſo conſtituted, he adds, "That this is not "the only regiment that hath been received in the "world. The inconveniencies of one kind have "cauſed ſundry others to be deviſed. So that in a "word, all publick regiment, of what kind ſoever, "ſeemeth evidently to have riſen from deliberate advice, conſultation and compoſition between men, "judging it convenient and behoofeful." And a little below, "Man's nature ſtanding therefore as it "doth, ſome kind of regiment the law of nature

* Hooker Eccl. Pol. l. 1. c. 10.

doth

" doth require; yet the kinds thereof being many, " nature tieth not to any one, but leaveth the " choice as a thing arbitrary." And again, " To live " by one man's will, became all mens miſery: this " conſtrained them to come into laws, &c. But " as thoſe laws do not only teach that which is " good, but enjoin it, they have in them a con- " ſtraining force. To conſtrain men to any thing " inconvenient ſeemeth unreaſonable; moſt requiſite " therefore it is that to deviſe laws, which all men " ſhould be forced to obey, none but wiſe men " ſhould be admitted. Moreover that which we " ſay concerning the power of government muſt " here be applied unto the power of making laws, " whereby to govern; which power God hath over " all; and by the natural law, whereunto he hath " made all ſubject, the lawful power of making " laws to command whole politick ſocieties of men, " belongeth ſo properly unto the ſame intire ſocieties, " that for any prince or potentate, of what kind " ſoever upon earth, to exerciſe the ſame of himſelf, " and not either by expreſs commiſſion immediately " from God, or elſe by authority derived at the firſt " from their conſent, upon whoſe perſons they impoſe " laws, it is no better than meer tyranny. Laws " therefore they are not, which public conſent hath " not made ſo." The humour of our age conſidered, I ſhould not have dared to ſay ſo much; but if Hooker be a man of ſuch great authority, I cannot offend in tranſcribing his words, and ſhewing how vilely he is abuſed by Filmer; concluding, that if he be in the right, the choice and conſtitution of government, the making of laws, coronation, inauguration, and all that belongs to the making of kings, or other magiſtrates, is meerly from the people; and that all power exerciſed over them, which is

not ſo, is uſurpation and tyranny, unleſs it be by an immediate commiſſion from God; which if any man has, let him give teſtimony of it, and I will confeſs he comes not within the reach of our reaſonings, but ought to be obeyed by thoſe to whom he is ſent, or over whom he is placed.

Nevertheleſs our author is of another opinion; but ſcorning to give us a reaſon, he adds to Hooker's words, " As if theſe ſolemnities were a kind of " deed, whereby the right of dominion is given; " which ſtrange, untrue, and unnatural conceits " are ſet abroad by ſeedſmen of rebellion:" and a little farther, " Unleſs we will openly proclaim defi- " ance unto all law, equity and reaſon, we muſt ſay " (for there is no remedy) that in kingdoms heredi- " tary, birthright giveth a right unto ſovereign do- " minion, &c. Thoſe ſolemnities do either ſerve " for an open teſtification of the inheritor's right, " or belong to the form of inducing him into the " poſſeſſion". Theſe are bold cenſures, and do not only reach Mr. Hooker, whoſe modeſty and peaceableneſs of ſpirit is no leſs eſteemed than his learning, but the ſcriptures alſo, and the beſt of human authors, upon which he has founded his opinions. But why ſhould this be thought a ſtrange, untrue, or unnatural conceit, to believe that when the ſcriptures ſay Nimrod was the firſt that grew powerful in the earth long before the death of his fathers, and could conſequently neither have a right of dominion over the multitude met together at Babylon, nor ſubdue them by his own ſtrength, he was ſet up by their conſent; or that they who made him their governor, might preſcribe rules by which he ſhould govern? Nothing ſeems to me leſs ſtrange, than that a multitude of reaſonable creatures, in the performance of acts of the greateſt importance,

ſhould

ſhould conſider why they do them. And the infinite variety which is obſerved in the conſtitution, mixture, and regulation of governments, does not only ſhew that the ſeveral nations of the world have conſidered them; but clearly prove that all nations have perpetually continued in the exerciſe of that right. Nothing is more natural than to follow the voice of mankind: the wiſeſt and beſt have ever employed their ſtudies in forming kingdoms and commonwealths, or in adding to the perfections of ſuch as were already conſtituted; which had been contrary to the laws of God and nature, if a general rule had been ſet, which had obliged all to be for ever ſubject to the will of one; and they had not been the beſt, but the worſt of men who had departed from it. Nay, I may ſay, that the law given by God to his peculiar people, and the commands delivered by his ſervants in order to it, or the proſecution of it, had been contrary to his own eternal and univerſal law; which is impoſſible. A law therefore having been given by God, which had no relation to, or conſiſtency with the abſolute paternal power; judges and kings created, who had no pretence to any preference before their brethren, till they were created, and commanded not to raiſe their hearts above them when they ſhould be created; the wiſdom and virtue of the beſt men in all ages ſhewn in the conſtitution or reformation of governments; and nations in variouſly framing them, preſerving the poſſeſſion of their natural right, to be governed by none, and in no other way than they ſhould appoint: the opinions of Hooker, "That all public regiment, of what kind ſoever, "ariſeth from the deliberate advice of men ſeeking "their own good, and that all other is meer tyranny, "are not untrue and unnatural conceits ſet abroad

"by

" by the ſeedſmen of rebellion;" but real truths grounded upon the laws of God and nature, acknowledged and practiſed by mankind. And no nation being juſtly ſubject to any, but ſuch as they ſet up, nor in any other manner than according to ſuch laws as they ordain, the right of chuſing and making thoſe that are to govern them, muſt wholly depend upon their will.

SECT. VII.

The laws of every nation are the meaſure of magiſtratical power.

OUR author lays much weight upon the word hereditary; but the queſtion is, what is inherited in an hereditary kingdom, and how it comes to be hereditary? 'Tis in vain to ſay the kingdom; for we do not know what he means by the kingdom: 'tis one thing in one place, and very different in others; and I think it not eaſy to find two in the world that in power are exactly the ſame. If he underſtand all that is comprehended within the precincts over which it reaches, I deny that any ſuch is to be found in the world: if he refer to what preceding kings enjoyed, no determination can be made, till the firſt original of that kingdom be examined, that it may be known what that firſt king had, and from whence he had it.

If this variety be denied, I deſire to know whether the kings of Sparta and Perſia had the ſame power over their ſubjects; if the ſame, whether both were abſolute, or both limited; if limited, how came the decrees of the Perſian kings to paſs for laws? if abſolute, how could the Spartan kings be ſubject to fines, impriſonment, or the ſentence of death; and not to have power to ſend for their own ſupper out of

of the common hall? Why did Xenophon call Ageſilaus a good and faithful king, obedient to the laws of his country, when upon the command of the ephori, he left the war that he had with ſo much glory begun in Aſia, if he was ſubject to none? How came the ephori to be eſtabliſhed to reſtrain the power of kings, if it could no way be reſtrained, if all owed obedience to them, and they to none? Why did Theopompus his wife reprove him for ſuffering his power to be diminiſhed by their creation, if it could not be diminiſhed? Or why did he ſay he had made the power more permanent in making it leſs odious, if it was perpetual and unalterable? We may go farther, and taking Xenophon and Plutarch for our guides, aſſert that the kings of Sparta never had the powers of war or peace, life and death, which our author eſteems inſeparable from regality, and conclude either that no king has them, or that all kings are not alike in power. If they are not in all places the ſame, kings do not reign by an univerſal law, but by the particular laws of each country; which give to every one ſo much power, as in the opinion of the givers conduces to the end of their inſtitution, which is the public good.

It may be alſo worth our inquiry how this inherited power came to be hereditary. We know that the ſons of Veſpaſian and Conſtantine inherited the Roman empire, tho' their fathers had no ſuch title; but gaining the empire by violence, which Hooker ſays is meer tyranny that can create no right, they could devolve none to their children. The kings of France of the three races have inherited the crown; but Meroveus, Pepin, and Hugh Capet could neither pretend title nor conqueſt, or any other right than what was conferred upon them by the clergy, nobility,

nobility, and people; and conſequently whatſoever is inherited from them can have no other original; for that is the gift of the people which is beſtowed upon the firſt, under whom the ſucceſſors claim, as if it had been by a peculiar act given to every one of them. It will be more hard to ſhew how the crown of England is become hereditary, unleſs it be by the will of the people; for tho' it were granted that ſome of the Saxon kings came in by inheritance (which I do not, having, as I think, proved them to have been abſolutely elective) yet William the Norman did not, for he was a baſtard, and could inherit nothing. William Rufus and Henry did not; for their elder brother Robert by right of inheritance ought to have been preferred before them: Stephen and Henry the ſecond did not; for Maud the only heireſs of Henry the firſt was living when both were crowned: Richard, John, and thoſe who followed, did not, for they were baſtards born in adultery. They muſt therefore have received their right from the people, or they could have none at all; and their ſucceſſors fall under the ſame condition.

Moreover, I find great variety in the deduction of this hereditary right. In Sparta there were two kings of different families, endowed with an equal power. If the Heraclidæ did reign as fathers of the people, the Æacidæ did not; if the right was in the Æacidæ, the Heraclidæ could have none; for 'tis equally impoſſible to have two fathers as two thouſand. 'Tis in vain to ſay that two families joined, and agreed to reign jointly: for 'tis evident the Spartans had kings before the time of Hercules or Achilles, who were the fathers of the two races. If it be ſaid that the regal power with which they were inveſted did entitle them to the right of fathers,

thers, it muſt in like manner have belonged to the Roman conſuls, military tribunes, dictators, and pretors; for they had more power than the Spartan kings: and that glorious nation might change their fathers every year, and multiply or diminiſh the number of them as they pleaſed. If this be moſt ridiculous and abſurd, 'tis certain that the name and office of king, conſul, dictator, or the like, does not confer any determined right upon the perſon that hath it: every one has a right to that which is allotted to him by the laws of the country by which he is created.

As the Perſians, Spartans, Romans or Germans, might make ſuch magiſtrates, and under ſuch names as beſt pleaſed themſelves, and accordingly enlarge or diminiſh their power; the ſame right belongs to all nations, and the rights due unto, as well as the duties incumbent upon every one, are to be known only by the laws of that place. This may ſeem ſtrange to thoſe who know neither books nor things, hiſtories nor laws, but is well explain'd by Grotius; who denying the ſovereign power to be annexed to any man, ſpeaks of divers magiſtrates under ſeveral names that had, and others that under the ſame names had it not; and diſtinguiſhes thoſe who have the "ſummum imperium ſummo mo-"do*," from thoſe who have it "modo non ſum-"mo:" and tho' probably he looked upon the firſt ſort as a thing meerly ſpeculative, if by that "ſummo modo," a right of doing what one pleaſes be underſtood; yet he gives many examples of the other, and among thoſe who had "liberrimum "imperium," if any had it, he names the kings of the Sabeans; who nevertheleſs were under ſuch a condition, that tho' they were, as Agatharchidas

* Grot. de Jur. bel. & pac. l. 1. c. 1.

reports,

reports, obeyed in all things, whilſt they continued within the walls of their palace, might be ſtoned by any that met them without it. He finds alſo another obſtacle to the abſolute power, " cum rex partem ha-" beat ſummi imperii, partem ſenatus, ſive populus;" which parts are proportioned according to the laws of each kingdom, whether hereditary or elective, both being equally regulated by them.

The law that gives and meaſures the power, perſcribes rules how it ſhould be tranſmitted. In ſome places the ſupreme magiſtrates are annually elected, in others their power is for life; in ſome they are meerly elective, in others hereditary under certain rules or limitations. The ancient kingdoms and lordſhips of Spain were hereditary; but the ſucceſſion went ordinarily to the eldeſt of the reigning family, not to the neareſt in the blood. This was the ground of the quarrel between Corbis the brother, and Orſua the ſon of the laſt prince, decided by combat before Scipio *. I know not whether the Goths brought that cuſtom with them when they conquered Spain, or whether they learnt it from the inhabitants; but certain it is, that keeping themſelves to the families of the Balthei, and Amalthei †, they had more regard to age than proximity; and almoſt ever preferred the brother, or eldeſt kinſman of the laſt king before his ſon. The like cuſtom was in uſe among the Moors in Spain ‡ and Africa, who according to the ſeveral changes that happened among the families of Almohades, Almoranides, and Benemerini, did always take one of the reigning blood; but in the choice of him had moſt reſpect to age and capacity. This is uſually called the law of Thaneſtry; and as in many other places, prevailed alſo in

* T. Liv. l. 28. † Saavedra corona Gothica. ‡ Marian. hiſt. Hiſpan.

Ireland,

Ireland, till that country fell under the Engliſh government.

In France and Turky the male that is neareſt in blood, ſucceeds; and I do not know of any deviation from that rule in France, ſince Henry the firſt was preferred before Robert his elder brother, grandchild to Hugh Capet: but notwithſtanding the great veneration they have for the royal blood, they utterly exclude females, leſt the crown ſhould fall to a ſtranger; or a woman that is ſeldom able to govern herſelf, ſhould come to govern ſo great a people. Some nations admit females, either ſimply, as well as males; or under a condition of not marrying out of their country, or without the conſent of the eſtates, with an abſolute excluſion of them and their children if they do; according to which law, now in force among the Swedes, Charles Guſtavus was choſen king upon the reſignation of queen Chriſtina, as having no title; and the crown ſettled upon the heirs of his body, to the utter excluſion of his brother Adolphus, their mother having married a German. Tho' divers nations have differently diſpoſed their affairs; all thoſe that are not naturally ſlaves, and like to beaſts, have preferred their own good before the perſonal intereſt of him that expects the crown, ſo as upon no pretence whatever to admit of one, who is evidently guilty of ſuch vices as are prejudicial to the ſtate. For this reaſon the French, tho' much addicted to their kings, rejected the vile remainders of Meroveus his race, and made Pepin the ſon of Charles Martel king: and when his deſcendants fell into the like vices, they were often depoſed, till at laſt they were wholly rejected, and the crown given to Capet, and to his heirs male as formerly. Yet for all this Henry his grandchild, being eſteemed more fit to govern than his elder brother Robert,

was, as is ſaid before, made king, and that crown ſtill remains in his deſcendants; no conſideration being had of the children of Robert, who continued dukes of Burgundy during the reigns of ten kings. And in the memory of our fathers, Henry of Navarr was rejected by two aſſemblies of the eſtates, becauſe he differed in religion from the body of the nation, and could never be received as king, till he had renounced his own, tho' he was certainly the next in blood; and that in all other reſpects he excelled in thoſe virtues which they moſt eſteem.

We have already proved, that our own hiſtory is full of the like examples, and might enumerate a multitude of others, if it were not too tedious: and as the various rules, according to which all the hereditary crowns of the world are inherited, ſhew, that none is ſet by nature, but that every people proceeds according to their own will; the frequent deviations from thoſe rules do evidently teſtify, that "Salus populi eſt lex ſuprema;" and that no crown is granted otherwiſe, than in ſubmiſſion to it.

But tho' there were a rule, which in no caſe ought to be tranſgreſſed, there muſt be a power of judging to whom it ought to be applied. 'Tis perhaps hard to conceive one more preciſe than that of France, where the eldeſt legitimate male in the direct line is preferred; and yet that alone is not ſufficient. There may be baſtardy in the caſe: baſtards may be thought legitimate, and legitimate ſons baſtards. The children born of Iſabel of Portugal during her marriage with John the third of Caſtile were declared baſtards; and the title of the houſe of Auſtria to that crown, depends upon that declaration. We often ſee that marriages which have been contracted, and for a long time taken to be good, have been declared null; and the legitimation of the preſent king of France,

is founded ſolely upon the abolition of the marriage of Henry the fourth with Marguerite of Valois, which for the ſpace of twenty ſeven years was thought to have been good. Whilſt Spain was divided into five or ſix kingdoms, and the ſeveral kings linked to each other by mutual alliances, inceſtuous marriages were often contracted, and upon better conſideration annulled; many have been utterly void, through the pre-ingagement of one of the parties. Theſe are not feigned caſes, but ſuch as happen frequently; and the diverſity of accidents, as well as the humours of men, may produce many others, which would involve nations in the moſt fatal diſorders, if every one ſhould think himſelf obliged to follow ſuch a one who pretended a title, that to him might ſeem plauſible, when another ſhould ſet up one as pleaſing to others, and there were no power to terminate thoſe diſputes to which both muſt ſubmit, but the deciſion muſt be left to the ſword.

This is that which I call the application of the rule, when it is as plain and certain as human wiſdom can make it; but if it be left more at large, as where females inherit, the difficulties are inextricable: and he that ſays, the next heir is really king when one is dead, before he be ſo declared by a power that may judge of his title, does, as far as in him lies, expoſe nations to be ſplit into the moſt deſperate factions, and every man to fight for the title which he fancies to be good, till he deſtroy thoſe of the contrary party, or be deſtroyed by them. This is the bleſſed way propoſed by our author to prevent ſedition: but, God be thanked, our anceſtors found a better. They did not look upon Robert the Norman as king of England after the death of his father; and when he did proudly endeavour, on pretence of inheritance, to impoſe himſelf upon the

nation, that thought fit to prefer his younger brothers before him, he paid the penalty of his folly, by the loſs of his eyes and liberty. The French did not think the grandchild of Pharamond to be king after the death of his father, nor ſeek who was the next heir of the Merovingian line, when Chilperic the third was dead; nor regard the title of Charles of Lorrain after the death of his brother Lothair, or of Robert of Burgundy eldeſt ſon of king Robert; but advanced Meroveus, Pepin, Capet and Henry the firſt, who had no other right than what the nobility and people beſtowed upon them. And if ſuch acts do not deſtroy the pretences of all who lay claim to crowns by inheritance, and do not create a right, I think it will be hard to find a lawful king in the world, or that there ever have been any; ſince the firſt did plainly come in like Nimrod, and thoſe who have been every where ſince hiſtories are known to us, owed their exaltation to the conſent of nations, armed or unarmed, by the depoſition or excluſion of the heirs of ſuch as had reigned before them.

Our author not troubling himſelf with theſe things, or any other relating to the matter in queſtion, is pleaſed to ſlight Hooker's opinions concerning coronation and inauguration, with the heaps of ſcripture upon which he grounds them; whereas thoſe ſolemnities would not only have been fooliſh and impertinent, but profane and impious, if they were not deeds by which the right of dominion is really conferred. What could be more wickedly ſuperſtitious, than to call all Iſrael together before the Lord, and to caſt lots upon every tribe, family and perſon, for the election of a king, if it had been known to whom the crown did belong by a natural and unalterable right? Or if there had been ſuch

ſuch a thing in nature, how could God have cauſed that lot to fall upon one of the youngeſt tribe for ever to diſcountenance his own law, and divert nations from taking any notice of it? It had been abſurd for the tribe of Judah to chooſe and anoint David, and for the other tribes to follow their example after the death of Iſhboſheth, if he had been king by a right not depending on their will. David did worſe in ſlaying the ſons of Rimmon, ſaying, they had killed a righteous man lying upon his bed, if Iſhboſheth, whoſe head they preſented, had moſt unrighteouſly detained from him, as long as he lived, the dominion of the ten tribes: the king, elders and people, had moſt ſcornfully abuſed the moſt ſacred things, by uſing ſuch ceremonies in making him king, and compleating their work in a covenant made between him and them before the Lord, if he had been already king, and if thoſe acts had been empty ceremonies conferring no right at all.

I dare not ſay that a league does imply an abſolute equality between both parties; for there is a fœdus inequale, wherein the weaker, as Grotius ſays, does uſually obtain protection, and the ſtronger honour; but there can be none at all, unleſs both parties are equally free to make it, or not to make it. David therefore was not king, till he was elected, and thoſe covenants made; and he was made king by that election and covenants.

This is not ſhaken by our author's ſuppoſition, "That the people would not have taken Joas, Ma-"naſſeh or Joſiah, if they had had a right of chuſ-"ing a king; ſince Solomon ſays, Woe unto the "kingdom whoſe king is a child." For, firſt, they who at the firſt had a right of chooſing whom they pleaſed to be king, by the covenant made with him whom they did chooſe, may have deprived them-

ſelves of the farther execution of it, and rendred the crown hereditary even to children, unleſs the conditions were violated upon which it was granted. In the ſecond place, if the infancy of a king brings woe upon a people, the government of ſuch a one cannot be according to the laws of God and nature; for governments are not inſtituted by either for the pleaſure of a man, but for the good of nations; and their weal, not their woe, is ſought by both: and if children are any where admitted to rule, 'tis by the particular law of the place, grounded perhaps upon an opinion, that it is the beſt way to prevent dangerous conteſts; or that other ways may be found to prevent the inconveniencies that may proceed from their weakneſs. Thirdly, it cannot be concluded that they might not reject children, becauſe they did not: ſuch matters require poſitive proofs, ſuppoſitions are of no value in relation to them, and the whole matter may be altered by particular circumſtances. The Jews might reaſonably have a great veneration for the houſe of David: they knew what was promiſed to that family; and whatever reſpect was paid, or privilege granted on that account, can be of no advantage to any other in the world. They might be farther induced to ſet up Joas, in hope the defects of his age might be ſupplied by the virtue, experience and wiſdom of Jehoiada. We do not know what good opinion may have been conceived of Manaſſeh when he was twelve years old; but much might be hoped from one that had been virtuouſly educated, and was probably under the care of ſuch as had been choſen by Hezekiah: and tho' the contrary did fall out, the miſchiefs brought upon the people by his wicked reign, proceeded not from the weakneſs of his childhood, but from the malice of his riper years. And both the examples

of

of Joas and Joſiah prove, that neither of them came in by their own right, but by the choice of the people. " Jehoiada gathered the Levites out of " all the cities of Judah, and the chief of the fa- " thers of Iſrael, and they came to Jeruſalem: and " all the congregation made a covenant with the " king in the houſe of God, and brought out the " king's ſon, and put upon him the crown, and gave " him the teſtimony, and made him king *;" whereupon they ſlew Athaliah. " And when Am- " mon was ſlain, the people of the land ſlew them " that had conſpired againſt king Ammon; and " the people of the land made Joſiah his ſon king " in his ſtead †:" which had been moſt impertinent, if he was of himſelf king before they made him ſo. Beſides, tho' infancy may be a juſt cauſe of excepting againſt, and rejecting the next heir to a crown, 'tis not the greateſt or ſtrongeſt. 'Tis far more eaſy to find a remedy againſt the folly of a child (if the ſtate be well regulated) than the more rooted vices of grown men. The Engliſh, who willingly received Henry the ſixth, Edward the fifth and ſixth, tho' children, reſolutely oppoſed Robert the Norman: And the French, who willingly ſubmitted to Charles the ninth, Lewis the thirteenth and fourteenth in their infancy, rejected the lewd remainders of Meroveus his race; Charles of Lorrain with his kindred deſcended from Pepin, Robert duke of Burgundy with his deſcendants, and Henry of Navarre, till he had ſatisfied the nobility and people in the point of religion. And tho' I do not know that the letter upon the words, " Væ " regno cujus rex puer eſt," recited by Lambard, was written by Eleutherius biſhop of Rome ‡; yet the authority given to it by the Saxons, who made

* 2 Chron. xxiii. † 2 Chron. xxxiii. ‡ Lamb. leg. Saxon.

it a law, is much more to be valued than what it could receive from the writer; and whoever he was, he ſeems rightly to have underſtood Solomon's meaning, who did not look upon him as a child that wanted years, or was ſuperannuated, but him only who was guilty of inſolence, luxury, folly and madneſs: And he that ſaid, "A wiſe child was "better than an old and fooliſh king," could have no other meaning, unleſs he ſhould ſay, it was worſe to be governed by a wiſe perſon than a fool; which may agree with the judgment of our author, but could never enter into the heart of Solomon.

Laſtly, tho' the practice of one or more nations may indicate what laws, covenants or cuſtoms were in force among them, yet they cannot bind others: the diverſity of them proceeds from the variety of mens judgments, and declares, that the direction of all ſuch affairs depends upon their own will; according to which every people for themſelves forms and meaſures the magiſtracy, and magiſtratical power; which, as it is directed ſolely for the good, hath its exerciſes and extent proportionable to the command of thoſe that inſtitute it; and ſuch ordinances being good for men, God makes them his own.

SECT. VIII.

There is no natural propenſity in man or beaſt to monarchy.

I See no reaſon to believe that God did approve the government of one over many, becauſe he created but one; but to the contrary, in as much as he did endow him, and thoſe that came from him, as well the youngeſt as the eldeſt line, with underſtanding to provide for themſelves, and by the invention of arts and ſciences, to be beneficial to each other; he

ſhewed,

ſhewed, that they ought to make uſe of that underſtanding in forming governments according to their own convenience, and ſuch occaſions as ſhould ariſe, as well as in other matters: and it might as well be inferr'd that it is unlawful for us to build, clothe, arm, defend or nouriſh ourſelves, otherwiſe than as our firſt parents did, before, or ſoon after the flood, as to take from us the liberty of inſtituting governments that were not known to them. If they did not find out all that conduces to the uſe of man, but a faculty as well as a liberty was left to every one, and will be to the end of the world, to make uſe of his wit, induſtry and experience, according to preſent exigencies, to invent and practiſe ſuch things as ſeem convenient to himſelf and others in matters of the leaſt importance; it were abſurd to imagine, that the political ſcience, which of all others is the moſt abſtruſe and variable according to accidents and circumſtances, ſhould have been perfectly known to them who had no uſe of it; and that their deſcendants are obliged to add nothing to what they practiſed. But the reaſon given by our author to prove this extravagant fancy, is yet more ridiculous than the thing itſelf; "God, ſaith he, "ſhewed his opinion, viz. That all ſhould be go-"verned by one, when he endowed not only men, "but beaſts with a natural propenſity to monarchy: "neither can it be doubted, but a natural propen-"ſity is referred to God who is the author of na-"ture:" which I ſuppoſe may appear if it be conſidered.

Nevertheleſs I cannot but commend him in the firſt place for introducing God ſpeaking ſo modeſtly, not declaring his will, but his opinion. He puts haughty and majeſtick language into the mouth of kings. They command and decide, as if they

were ſubject to no error, and their wills ought to be taken for perpetual laws; but to God he aſcribes an humble delivery of his opinion only, as if he feared to be miſtaken. In the ſecond place, I deny that there is any ſuch general propenſity in man or beaſt, or that monarchy would thereby be juſtified tho' it were found in them. It cannot be in beaſts, for they know not what government is; and being uncapable of it, cannot diſtinguiſh the ſeveral ſorts, nor conſequently incline to one more than another. Salmaſius his ſtory of bees is only fit for old women to prate of in chimney-corners; and they who repreſent lions and eagles as kings of birds and beaſts, do it only to ſhow, that their power is nothing but brutiſh violence, exerciſed in the deſtruction of all that are not able to oppoſe it, and that hath nothing of goodneſs or juſtice in it: which ſimilitude (tho' it ſhould prove to be in all reſpects adequate to the matter in queſtion) could only ſhew, that thoſe who have no ſenſe of right, reaſon or religion, have a natural propenſity to make uſe of their ſtrength, to the deſtruction of ſuch as are weaker than they; and not that any are willing to ſubmit, or not to reſiſt it if they can, which I think will be of no great advantage to monarchy. But whatever propenſity may be in beaſts, it cannot be attributed generally to men; for if it were, they never could have deviated from it, unleſs they were violently put out of their natural courſe; which in this caſe cannot be, for there is no power to force them. But that they have moſt frequently deviated, appears by the various forms of government eſtabliſhed by them. There is therefore no natural propenſity to any one, but they chooſe that which in their judgment ſeems beſt for them. Or, if he would have that inconſiderate impulſe, by which brutiſh and ignorant men may be

be ſwayed when they know no better, to paſs for a propenſity; others are no more obliged to follow it, than to live upon acorns, or inhabit hollow trees, becauſe their fathers did it when they had no better dwellings, and found no better nouriſhment in the uncultivated world. And he that exhibits ſuch examples, as far as in him lies, endeavours to take from us the uſe of reaſon, and extinguiſhing the light of it, to make us live like the worſt of beaſts, that we may be fit ſubjects to abſolute monarchy. This may perhaps be our author's intention, having learnt from Ariſtotle that ſuch a government is only ſuitable to the nature of the moſt beſtial men, who being uncapable of governing themſelves, fall under the power of ſuch as will take the conduct of them: but he ought withal to have remembered, that according to Ariſtotle's opinion, this conductor muſt be in nature different from thoſe he takes the charge of; and if he be not, there can be no government, nor order, by which it ſubſiſts: beaſts follow beaſts, and the blind lead the blind to deſtruction.

But tho' I ſhould grant this propenſity to be general, it could not be imputed to God, ſince man by ſin is fallen from the law of his creation. "The wickedneſs of man (even in the firſt ages) was great in the "world: All the imaginations of his heart are evil, "and that continually. All men are liars: There is "none that doth good, no not one. Out of the "heart proceed evil thoughts, murders, adulteries, "fornications, thefts, falſe teſtimonies, &c." Theſe are the fruits of our corrupted nature, which the apoſtle obſerving, does not only make a difference between the natural and the ſpiritual man, whoſe proceeding only can be referred to God, and that only ſo far as he is guided by his ſpirit; but ſhews, that

that the natural man is in a perpetual enmity againſt God, without any poſſibility of being reconciled to him, unleſs by the deſtruction of the old man, and the regenerating or renewing him through the ſpirit of grace. There being no footſteps of this in our author's book, he and his maſter Heylin may have differed from the apoſtle, referring that propenſity of nature to God, which he declares to be utter enmity againſt him; and we may conclude, that this propenſity, however general it may be, cannot be attributed to God as the author of nature, ſince it cannot be more general than the corruptions into which we are fallen.

SECT. IX.

The government inſtituted by God over the Iſraelites was ariſtocratical.

NOtwithſtanding all this, our author is reſolved that monarchy muſt be from God: "What "form of government, ſays he, God ordained by "his authority, may be gathered by that common-"wealth which he inſtituted amongſt the Hebrews; "which was not ariſtocratical, as Calvin ſaith, but "plainly monarchical." I may in as few words deny the government ſet up by God to have been monarchical, as he aſſerts it; but finding ſuch language ordinarily to proceed from a mixture of folly, impudence and pride, I chooſe rather to ſhew upon what I ground my opinions, than nakedly to deliver them; moſt eſpecially, when by inſiſting upon the government inſtituted by God over his people, he refers us to the ſcripture. And I do this the more boldly, ſince I follow Calvin's expoſition, and believe that he having been highly eſteemed for his wit, judgment and learning, by ſuch as were endowed

with the like, and reverenced as a glorious ſervant of God, might, if he were now alive, comfort himſelf, tho' he had the misfortune to fall under the cenſures of Filmer and his followers. 'Tis probable he gave ſome reaſons for his opinions; but our author having maliciouſly concealed them, and I not having leiſure at preſent to examine all his writings to find them, muſt content myſelf with ſuch as my ſmall underſtanding may ſuggeſt, and ſuch as I have found in approved authors.

In the firſt place I may ſafely ſay, he was not alone of that opinion: Joſephus, Philo and Moſes Maimonides, with all the beſt of the Jewiſh and Chriſtian authors, had long before delivered the ſame. Joſephus ſays, that Saul's firſt ſin by which he fell, was, "That he took away the ariſtocracy *;" which he could not do if it had never been eſtabliſhed. Philo imputes the inſtitution of kingly government, as it was in Iſrael, neither to God nor his word, but to the fury of the ſinful people. Abarbenel ſays, it proceeded from their delight in the idolatry to which their neighbours were addicted, and which could be upheld only by a government, in practice and principle contrary to that which God had inſtituted †. Maimonides frequently ſays the ſame thing ‡, grounded upon the words of Hoſea, "I gave them "kings in my wrath;" and whoſoever will call that a divine inſtitution, may give the ſame name to plagues or famines, and induce a neceſſity incumbent upon all men to go and ſearch the one where they may find it, and to leave their lands for ever uncultivated that they may be ſure of the other: which being too beſtial to be aſſerted by a man, I may ſafely ſay, the Hebrew kings were not inſtituted by

* Joſ. Ant. Jud. † Abar. in 1 Sam. viii.
‡ Maim. More-Nevochim.

God,

God, but given as a puniſhment of their ſin, who deſpiſed the government that he had inſtituted: and the above-mentioned authors agree in the ſame thing, calling the peoples deſire to have a king, furious, mad, wicked, and proceeding from their love to the idolatry of their neighbours, which was ſuited to their government; both which were inconſiſtent with what God had eſtabliſhed over his own people.

But waving the opinions of men, 'tis good to ſee what we can learn from the ſcripture, and enquire if there be any precept there expreſly commanding them to make a king; or any example that they did ſo whilſt they continued obedient to the word of God; or any thing from whence we may reaſonably infer they ought to have done it: all which, if I miſtake not, will be found directly contrary.

The only precept that we find in the law concerning kings, is that of Deuter. xvii. already mentioned; and that is not a command to the people to make, but inſtructions what manner of king they ſhould make, if they deſired to have one: there was therefore none at all.

Examples do as little favour our author's aſſertions. Moſes, Joſhua, and the other judges, had not the name or power of kings: they were not of the tribe to which the ſcepter was promiſed: they did not tranſmit the power they had to their children, which in our adverſary's opinion is a right inſeparable from kings; and their power was not continued by any kind of ſucceſſion, but created occaſionally, as need required, according to the virtues diſcovered in thoſe who where raiſed by God to deliver the nation in the time of their diſtreſs; which being done, their children lay hid among the reſt of the people. Thus

were

were Ehud, Gideon, Jephtha, and others ſet up: "Whoſoever will give battle (ſay the princes and "people of Gilead) to the children of Ammon, ſhall "be head over the inheritance of Gilead †:" and finding Jephtha to be ſuch a man as they ſought, they made him their chief, and all Iſrael followed them. When Othniel had ſhew'd his valour in taking Kyriath Sepher, and delivering his brethren from Cuſhan-Riſhathaim, he was made judge: When Ehud had killed Eglon; when Shamgar and Samſon had deſtroyed great numbers of the Philiſtines; and when Gideon had defeated the Midianites, they were fit to be advanced above their brethren. Theſe dignities were not inherent in their perſons or families, but conferred upon them; nor conferred, that they might be exalted in riches and glory, but that they might be miniſters of good to the people. This may juſtify Plato's opinion, that if one man be found incomparably to excel all others in the virtues that are beneficial to civil ſocieties, he ought to be advanced above all: but I think it will be hard from thence to deduce an argument in favour of ſuch a monarchy as is neceſſary to deſcend to the next in blood, whether man, woman, or child, without any conſideration of virtue, age, ſex, or ability; and that failing, it can be of no uſe to our author. But whatever the dignity of a Hebrew judge was, and howſoever he was raiſed to that office, it certainly differ'd from that of a king. Gideon could not have refuſed to be a king when the people would have made him ſo, if he had been a king already: or that God from the beginning had appointed that they ſhould have one: the elders and people could not have aſked a king of Samuel *, if he had been king; and he could not without impiety have been

† Judges x * 1 Sam. viii.

diſpleaſed

diſpleaſed with them for aſking for ſuch a one as God had appointed; neither would God have ſaid to him, "They have not rejected thee, but they "have rejected me that I ſhould not reign over "them," if he had ordained what they deſired. They did not indeed reject God with their mouths: they pretended to uſe the liberty he had given them to make a king; but would have ſuch a one as he had forbidden: they drew near to him with their lips, but their hearts were far from him; and he ſeeing their hypocriſy, ſeverely chaſtiſed them in granting their ill conceived requeſt; and foretold the miſeries that ſhould thereupon befal them, from which he would not deliver them, tho' they ſhould cry to him by reaſon of what they ſuffered from their king: He was their creature, and the miſchiefs thereby brought upon them were the fruits of their own labour.

This is that which our author calls God's inſtitution of kings; but the prophet explains the matter much better, "I gave them kings in my anger, and "took them away in my wrath *: in deſtroying them God brought deſolation upon the people that had ſinned in aſking for them, and following their example in all kind of wickedneſs. This is all our author has to boaſt of: but God who acknowledges thoſe works only to be his own, which proceed from his goodneſs and mercy to his people, diſowns this; "Iſrael hath caſt off the thing that is good "(even the government that he had eſtabliſhed) "the enemy ſhall purſue him: they have ſet up "kings, but not by me; and princes, but I know "them not." As if he ſought to juſtify the ſeverity of his judgments brought upon them by the wickedneſs of their kings, that they, not he, had ordained.

* Hoſ. xiii. † Hoſ. viii.

Having

Having ſeen what government God did not ordain, it may be ſeaſonable to examine the nature of the government which he did ordain; and we ſhall eaſily find that it conſiſted of three parts, beſides the magiſtrates of the ſeveral tribes and cities. They had a chief magiſtrate, who was called judge or captain, as Joſhua, Gideon, and others, a council of ſeventy choſen men, and the general aſſemblies of the people *.

The firſt was meerly occaſional, like to the dictators of Rome; and as the Romans in times of danger frequently choſe ſuch a man as was much eſteemed for valour and wiſdom, God's peculiar people had a peculiar regard to that wiſdom and valour which was accompanied with his preſence, hoping for deliverance only from him.

The ſecond is known by the name of the great Sanhedrin, which being inſtituted by Moſes according to the command of God, continued, till they were all ſave one ſlain by Herod. And the third part, which is the aſſembly of the people, was ſo common, that none can be ignorant of it, but ſuch as never looked into the ſcripture. When the tribes of Reuben, Gad, and half that of Manaſſeh had built an altar on the ſide of Jordan, "The whole "congregation of the children of Iſrael gathered to-"gether at Shiloh to go up to war againſt them, "and ſent Phineas the ſon of Eleazer, and with "him ten princes, &c. †" This was the higheſt and moſt important action that could concern a people, even war or peace, and that not with ſtrangers, but their own brethren. Joſhua was then alive: the elders never failed; but this was not tranſacted by him or them, but by the collected body of the people; for they ſent Phineas. This democratical

* Numb. xi. † Joſh. xxii.

em-

embaſſy was democratically received: it was not directed to one man, but to all the children of Reuben, Gad, and Manaſſeh, and the anſwer was ſent by them all; which being pleaſing to Phineas, and the ten that were with him, they made their report to the congregation, and all was quiet.

The laſt eminent act performed by Joſhua was the calling of a like aſſembly to Sechem, compoſed of elders, heads of families, judges, officers, and all the people, to whom he propoſed, and they agreeing made a covenant before the Lord *.

Joſhua being dead, the proceedings of every tribe were grounded upon counſels taken at ſuch aſſemblies among themſelves for their own concernments, as appears by the actions of Judah, Simeon, &c. againſt the Canaanites †; and when the Levite complained that his wife had been forced by thoſe of Gibeah, the whole congregation of Iſrael met together at Miſpeth from all parts, even from Dan to Beerſheba, as one man, and there reſolved upon that terrible war which they made againſt the tribe of Benjamin. The like aſſembly was gathered together for the election of Saul, every man was there: and tho' the elders only are ſaid to have aſked a king of Samuel, they ſeem to have been deputed from the whole congregation; for God ſaid, "Hearken to "the voice of the people." In the ſame manner the tribe of Judah, and after that the reſt choſe and anointed David to be their king ‡. After the death of Solomon all Iſrael met together to treat with Rehoboam; and not receiving ſatisfaction from him, ten of the tribes abrogated his kingdom.

If theſe actions were conſidered ſingly by themſelves, Calvin might have given the name of a democracy to the Hebrew government, as well as to

* Joſ. xxiv. † Judg. i. ‡ 1 Sam. viii. 7.

that

that of Athens; for without doubt they evidently manifeſt the ſupreme power to have been in the ſupreme manner in theſe general aſſemblies; but the government (as to its outward order) conſiſting of thoſe three parts, which comprehend the three ſimple ſpecies, tho' in truth it was a theocracy; and no times having been appointed, nor occaſions ſpecified, upon which judges ſhould be choſen, or theſe aſſemblies called; whereas the Sanhedrim, which was the ariſtocratical part, was permanent, the whole might rightly be called an ariſtocracy, that part prevailing above the others: and tho' Joſephus calls it a theocracy, by reaſon of God's preſence with his people; yet in relation to man he calls it an ariſtocracy, and ſays, that Saul's firſt ſin by which he fell from the kingdom was, that "Gubernationem op-"timatum ſuſtulit;" which could not be, if they were governed by a monarch before he was choſen.

Our author taking no notice of theſe matters, firſt endeavours to prove the excellency of monarchy from natural inſtinct; and then begging the queſtion, ſays, that God did always govern his people by monarchy; whereas he ought in the firſt place to have obſerved that this inſtinct (if there be any ſuch thing) is only an irrational appetite, attributed to beaſts, that know not why they do any thing; and is to be followed only by thoſe men who being equally irrational, live in the ſame ignorance: and the ſecond being proved to be abſolutely falſe by the expreſs words of the ſcripture, "There was then no king "in Iſrael *," ſeveral times repeated, and the whole ſeries of the hiſtory, he hath no other evaſion than to ſay, "That even then the Iſraelites were under "the kingly government of the fathers of particular "families."

* Judg. xviii.

It appears by the forementioned text cited alſo by our author, that in the aſſembly of the people, gathered together to take counſel concerning the war againſt Benjamin, were four hundred thouſand footmen that drew ſword: they all aroſe together, ſaying, Not a man of us ſhall go to his tent. "So all "the men of Iſrael were gathered together againſt "the city." This is repeated ſeveral times in the relation. The Benjamites proceeded in the like manner in preparing for their defence, and if all theſe who did ſo meet to conſult and determine were monarchs, there were then in Iſrael and Benjamin four hundred and twenty ſix thouſand, ſeven hundred monarchs or kings, tho' the ſcriptures ſay there was not one.

If yet our author inſiſt upon his notion of kingly government, I deſire to know who were the ſubjects, if all theſe were kings; for the text ſays, that the "whole congregation was gathered together as "one man from Dan to Beerſheba." If there can be ſo many kings without one ſubject, what becomes of the right of Abraham, Iſaac and Jacob, that was to have been devolved upon one man as heir to them, and thereby Lord of all? If every man had an equal part in that inheritance, and by virtue of it became a king, why is not the ſame eternally ſubdivided to as many men as are in the world, who are alſo kings? If this be their natural condition, how comes it to be altered, till they do unthrone themſelves by conſent to ſet up one or more to have a power over them all? Why ſhould they diveſt themſelves of their natural right to ſet up one above themſelves, unleſs in conſideration of their own good? If the 426700 kings might retain the power in themſelves, or give it to one, why might they not give it to any ſuch number of men as ſhould beſt pleaſe themſelves,

ſelves, or retain it in their own hands, as they did till the days of Saul; or frame, limit, and direct it according to their own pleaſure? If this be true, God is the author of democracy; and no aſſertor of human liberty did ever claim more than the people of God did enjoy and exerciſe at the time when our author ſays they were under the kingly government; which liberty being not granted by any peculiar conceſſion or inſtitution, the ſame muſt belong to all mankind.

'Tis in vain to ſay the 426700 men were heads of families; for the ſcripture only ſays, "They "were footmen that drew the ſword," or rather all the men of Iſrael from Dan to Beerſheba, who were able to make war. When ſix hundred Benjamites did only remain of the 26700, 'tis plain that no more were left of that tribe, their women and children having been deſtroyed in the cities after their defeat. The next chapter makes the matter yet more plain; for when all that were at the congregation in Miſpeth were found to have ſworn, they would not give their daughters to any of the tribe of Benjamin *, no Iſraelite was free from the oath, but the men of Jabeſh Gilead, who had not been at the aſſembly: all the reſt of Iſrael was therefore comprehended; and they continuing to govern in a popular way with abſolute power, ſent twelve thouſand of their moſt valiant men to deſtroy all the males of Jabeſh Gilead, and the women that had lain by man, reſerving the virgins for the Benjamites. This is enough for my purpoſe: for the queſtion is not concerning the power that every houſholder in London hath over his wife, children, and ſervants; but whether they are all perpetually ſubject to one man and family; and I intend not to

* Judg. xxi.

ſet up their wives, prentices, and children againſt them, or to diminiſh their rights, but to aſſert them, as the gift of God and nature, no otherwiſe to be reſtrained than by laws made with their conſent.

Reaſon failing, our author pleaſes himſelf with terms of his own invention: "When the people "begged a king of Samuel, they were governed by "a kingly power: God out of a ſpecial love and "care to the houſe of Iſrael, did chooſe to be their "king himſelf, and did govern them at that time "by his viceroy Samuel and his ſons." The behaviour of the Iſraelites towards Samuel has been thought proud, perverſe, and obſtinate; but the fine court word "begging" was never before applied to them; and their inſolent fury was not only ſeen againſt Samuel, but againſt God; "They have not "rejected thee, but they have rejected me*." And I think Filmer is the firſt who ever found that beggars in begging did reject him of whom they begged: or if they were beggars, they were ſuch as would not be denied; for after all that Samuel had ſaid to diſſuade them from their wicked deſign, they ſaid, "Nay but we will have a king †."

But leſt I ſhould be thought too much inclined to contradict our author, I confeſs that once he hath happened to be in the right. "God out of a ſpe-"cial love to the houſe of Iſrael choſe to be their "king: he gave them laws, preſcribed a form of "government, raiſed up men in a wonderful man-"ner to execute it, filled them with his ſpirit, was "ever preſent when they called upon him: he gave "them council in their doubts, and aſſiſtance in all "their extremities: he made a covenant with them, "and would be exalted by them." But what is this to an earthly monarch? Who can from hence

* 1 Sam. viii. † Ver. 19.

derive

derive a right to any one man to play the lord over his brethren, or a reaſon why any nation ſhould ſet him up? God is our Lord by right of creation, and our only Lord, becauſe he only hath created us. If any other were equal to him in wiſdom, power, goodneſs, and beneficence to us, he might challenge the ſame duty from us. If growing out of ourſelves, receiving being from none, depending on no providence, we were offered the protection of a wiſdom ſubject to no error, a goodneſs that could never fail, and a power that nothing could reſiſt; it were reaſonable for us to enter into a covenant, ſubmit ourſelves to him, and with all the faculties of our minds to addict ourſelves to his ſervice. But what right can from hence accrue to a mortal creature like to one of us, from whom we have received nothing, and who ſtands in need of help as much as we? Who can from hence deduce an argument to perſuade us to depend upon his wiſdom, who has as little as other men? To ſubmit to his will who is ſubject to the ſame frailties, paſſions, and vices with the reſt of mankind? Or to expect protection and defence from him whoſe life depends upon as ſlender threads as our own; and who can have no power but that which we confer upon him? If this cannot be done, but is of all things the moſt contrary to common ſenſe, no man can in himſelf have any right over us; we are all as free as the four hundred twenty ſix thouſand ſeven hundred Hebrew kings: we can naturally owe allegiance to none; and I doubt whether all the luſts that have reigned amongſt men ſince the beginning of the world, have brought more guilt and miſery upon them than that prepoſterous and ignorant pretence of imitating what God had inſtituted. When Saul ſet himſelf moſt violently to oppoſe the command of

God, he pretended to fulfil it: when the Jews grew weary of God's government, and reſolved to reject him, that he ſhould not reign over them, they uſed ſome of Moſes his words, and aſked that king of God, whom they intended to ſet up againſt him: but this king had not been ſet up againſt God, the people had not rejected God, and ſinned in aſking for him, if every nation by a general law ought to have one, or by a particular law one had been appointed by him over them. There was therefore no king amongſt them, nor any law of God or nature, particular, or general, according to which they ought to have one.

SECT. X.

Ariſtotle was not ſimply for monarchy or againſt popular government; but approved or diſapproved of either according to circumſtances.

OUR author well obſerves that Ariſtotle is hardly brought to give a general opinion in favour of monarchy, as if it were the beſt form of government, or to ſay true, never does it. He uſes much caution, propoſes conditions, and limitations, and makes no deciſion but according to circumſtances. Men of wiſdom and learning are ſubject to ſuch doubts; but none ought to wonder if ſtupidity and ignorance defend Filmer and his followers from them; or that their hatred to the antient virtue ſhould give them an averſion to the learning that was the nurſe of it. Thoſe who neither underſtand the ſeveral ſpecies of government, nor the various tempers of nations, may without fear or ſhame give their opinions in favour of that which beſt pleaſeth them; but wiſe men will always proportion their praiſes to the merit of the ſubject, and never commend

mend that ſimply which is good only according to circumſtances. Ariſtotle highly applauds monarchy, when the monarch has more of thoſe virtues that tend to the good of a commonwealth than all they who compoſe it. This is the king mentioned in his Ethics, and extolled in his Politics: he is above all by nature, and ought not by a municipal law to be made equal to others in power: he ought to govern, becauſe 'tis better for a people to be governed by him than to enjoy their liberty; or rather they do enjoy their liberty, which is never more ſafe than when it is defended by one who is a living law to himſelf and others. Whereſoever ſuch a man appears, he ought to reign: he bears in his perſon the divine character of a ſovereign: God has raiſed him above all; and ſuch as will not ſubmit to him, ought to be counted ſons of Belial, brought forth and ſlain. But he does withal confeſs, that if no ſuch man be found, there is no natural king: all the prerogatives belonging to him vaniſh for want of one who is capable of enjoying them. He lays ſevere cenſures upon thoſe who not being thus qualified take upon them to govern men, equal to or better than themſelves; and judges the aſſumption of ſuch powers by perſons who are not naturally adapted to the adminiſtration of them, as barbarous uſurpations, which no law or reaſon can juſtify; and is not ſo much tranſported with the excellency of this true king, as not to confeſs he ought to be limited by law, "Qui legem præeſſe "jubet, videtur jubere præeſſe Deum & leges: qui "autem hominem præeſſe jubet, adjungit & beſtiam; "libido quippe talis eſt, atque obliquos agit, etiam "viros optimos qui ſunt in poteſtate, ex quo mens "atque appetitus lex eſt *." This agrees with the

* Ariſt. Polit. l. 3. c. 12.

words of the beſt king that is known to have been in the world, proceeding, as is moſt probable, from a ſenſe of the paſſions that reigned in his own breaſt; "Man being in honour, hath no underſtanding, "but is like to the beaſt that periſheth." This ſhews that ſuch as deny that kings do reign by law, or that laws may be put upon kings, do equally ſet themſelves againſt the opinions of wiſe men, and the word of God: and our author having found that learning made the Grecians ſeditious, may reaſonably doubt that religion may make others worſe; ſo as none will be fit ſubjects of his applauded government, but thoſe who have neither religion nor learning; and that it cannot be introduced till both be extinguiſhed.

Ariſtotle having declared his mind concerning government, in the books expreſly written on that ſubject, whatſoever is ſaid by the by in his moral diſcourſes, muſt be referred to and interpreted by the other: and if he ſaid (which I do not find) that monarchy is the beſt form of government, and a popular ſtate the worſt, he cannot be thought to have meant otherwiſe, than that thoſe nations were the moſt happy, who had ſuch a man as he thinks fit to be made a monarch; and theſe the moſt unhappy, who neither had ſuch a one, nor a few, that any way excelled the reſt; but all being equally brutiſh, muſt take upon them the government they were unable to manage: for he does no where admit any other end of juſt and civil government, than the good of the governed; nor any advantage due to one or a few perſons, unleſs for ſuch virtues as conduce to the common good of the ſociety. And as our author thinks learning makes men ſeditious, Ariſtotle alſo acknowledges, that thoſe who have underſtanding and courage, which may be taken for learning, or the effect of it, will never en-

endure the government of one or a few that do not excel them in virtue: but no where diſpraiſes a popular government, unleſs the multitude be compoſed of ſuch as are barbarous, ſtupid, lewd, vicious, and incapable of the happineſs for which governments are inſtituted; who cannot live to themſelves, but like a herd of beaſts muſt be brought under the dominion of another; or who, having among themſelves ſuch an excellent perſon as is above deſcribed, will not ſubmit to him, but either kill, baniſh, or bring him to be equal with others, whom God had made to excel all. I do not trouble myſelf, or the reader, with citing here or there a line out of his books, but refer myſelf to thoſe who have peruſed his moral and political writings, ſubmitting to the ſevereſt cenſures, if this be not the true ſenſe of them; and that virtue alone, in his opinion, ought to give the preheminence. And as Ariſtotle, following the wiſe men of thoſe times, ſhews us how far reaſon, improved by meditation, can advance in the knowledge and love of that which is truly good; ſo we may in Filmer, guided by Heylin, ſee an example of corrupted Chriſtians, extinguiſhing the light of religion by their vices, and degenerating into beaſts, whilſt they endeavour to ſupport the perſonal intereſt of ſome men, who being raiſed to dignities by the conſent of nations, or by unwarrantable ways and means, would caſt all the power into the hands of ſuch as happen to be born in their families; as if governments had not been inſtituted for the common good of nations, but only to increaſe their pride, and foment their vices; or that the care and direction of a great people were ſo eaſy a work, that every man, woman, or child, how young, weak, fooliſh or wicked ſoever, may be worthy of it, and able to manage it.

SECT.

SECT. XI.

Liberty produceth virtue, order and ſtability: ſlavery is accompanied with vice, weakneſs and miſery.

OUR author's judgment, as well as inclinations to virtue, are manifeſted in the preference he gives to the manners of the Aſſyrians and other eaſtern nations, before the Grecians and Romans: whereas the firſt were never remarkable for any thing, but pride, lewdneſs, treachery, cruelty, cowardice, madneſs, and hatred to all that is good; whilſt the others excelled in wiſdom, valour, and all the virtues that deſerve imitation. This was ſo well obſerved by St. Auguſtin *, that he brings no ſtronger argument to prove, that God leaves nothing that is good in man unrewarded, than that he gave the dominion of the beſt part of the world to the Romans, who in moral virtues excelled all other nations. And I think no example can be alledged of a free people that has ever been conquer'd by an abſolute monarch, unleſs he did incomparably ſurpaſs them in riches and ſtrength; whereas many great kings have been overthrown by ſmall republics: and the ſucceſs being conſtantly the ſame, it cannot be attributed to fortune, but muſt neceſſarily be the production of virtue and good order. Machiavel diſcourſing of theſe matters, finds virtue to be ſo eſſentially neceſſary to the eſtabliſhment and preſervation of liberty, that he thinks it impoſſible for a corrupted people to ſet up a good government, or for a tyranny to be introduced if they be virtuous; and makes this

* De Civ. Dei.

concluſion,

† concluſion, "That where the matter (that is, the "body of the people) is not corrupted, tumults and "diſorders do no hurt; and where it is corrupted, "good laws do no good:" Which being confirmed by reaſon and experience, I think no wiſe man has ever contradicted him.

But I do not more wonder that Filmer ſhould look upon abſolute monarchy to be the nurſe of virtue, tho' we ſee they did never ſubſiſt together, than that he ſhould attribute order and ſtability to it; whereas order doth principally conſiſt in appointing to every one his right place, office, or work; and this lays the whole weight of the government upon one perſon, who very often does neither deſerve, nor is able to bear the leaſt part of it. Plato, Ariſtotle, Hooker, and (I may ſay in ſhort) all wiſe men have held, that order required that the wiſeſt, beſt, and moſt valiant men, ſhould be placed in the offices where wiſdom, virtue and valour are requiſite. If common ſenſe did not teach us this, we might learn it from the ſcripture. When God gave the conduct of his people to Moſes, Joſhua, Samuel, and others, he endowed them with all the virtues and graces that were required for the right performance of their duty. When the Iſraelites were oppreſſed by the Midianites, Philiſtines and Ammonites, they expected help from the moſt wiſe and valiant. When Hannibal was at the gates of Rome, and had filled Italy with fire and blood; or when the Gauls overwhelmed that country with their multitudes and fury, the ſenate and people of Rome put themſelves under the conduct of Camillus, Manlius, Fabius, Scipio, and the like; and when they failed to chooſe ſuch as were

† Si puo far queſta concluſione, che dove la materia non e corotta, i tumulti ed altri ſcandali non nuocono: là dove la e corotta le buone leggi non giovano. Machiav. Diſc. ſopra T. Livio, lib. 1.

fit

fit for the work to be done, they received ſuch defeats as convinced them of their error. But if our author ſay true, order did require that the power of defending the country ſhould have been annexed as an inheritance to one family, or left to him that could get it, and the exerciſe of all authority committed to the next in blood, tho' the weakeſt of women, or the baſeſt of men.

The like may be ſaid of judging, or doing of juſtice; and 'tis abſurd to pretend that either is expected from the power, not the perſon of the monarch; for experience doth too well ſhew how much all things halt in relation to juſtice or defence, when there is a defect in him that ought to judge us, and to fight our battles. But of all things this ought leaſt to be alledged by the advocates for abſolute monarchy, who deny that the authority can be ſeparated from the perſon, and lay it as a fundamental principle, that whoſoever hath it may do what he pleaſes, and be accountable to no man.

Our author's next work is to ſhew, that ſtability is the effect of this good order; but he ought to have known, that ſtability is then only worthy of praiſe, when it is in that which is good. No man delights in ſickneſs or pain, becauſe it is long, or incurable; nor in ſlavery and miſery, becauſe it is perpetual: much leſs will any man in his ſenſes commend a permanency in vice and wickedneſs. He muſt therefore prove, that the ſtability he boaſts of is in things that are good, or all that he ſays of it ſignifies nothing.

I might leave him here with as little fear, that any man who ſhall eſpouſe his quarrel, ſhall ever be able to remove this obſtacle, as that he himſelf ſhould riſe out of his grave and do it: but I hope to prove, that of all things under the ſun, there is

none more mutable or unſtable than abſolute monarchy; which is all that I diſpute againſt, profeſſing much veneration for that which is mixed, regulated by law, and directed to the publick good.

This might be proved by many arguments, but I ſhall confine myſelf myſelf to two; the one drawn from reaſon, the other from matters of fact.

Nothing can be called ſtable, that is not ſo in principle and practice, in which reſpect human nature is not well capable of ſtability; but the utmoſt deviation from it that can be imagined, is, when ſuch an error is laid for a foundation as can never be corrected. All will confeſs, that if there be any ſtability in man, it muſt be in wiſdom and virtue, and in thoſe actions that are thereby directed; for in weakneſs, folly and madneſs there can be none. The ſtability therefore that we ſeek, in relation to the exerciſe of civil and military powers, can never be found, unleſs care be taken that ſuch as ſhall exerciſe thoſe powers, be endowed with the qualities that ſhould make them ſtable. This is utterly repugnant to our author's doctrine: he lays for a foundation, that the ſucceſſion goes to the next in blood, without diſtinction of age, ſex, or perſonal qualities; whereas even he himſelf could not have the impudence to ſay, that children, and women (where they are admitted) or fools, madmen, and ſuch as are full of all wickedneſs, do not come to be the heirs of reigning families, as well as of the meaneſt. The ſtability therefore that can be expected from ſuch a government, either depends upon thoſe who have none in themſelves, or is referred wholly to chance, which is directly oppoſite to ſtability.

This would be the caſe, tho' it were (as we ſay) an even wager, whether the perſon would be fit or

unfit, and that there were as many men in the world able, as unable to perform the duty of a king; but experience ſhewing that among many millions of men, there is hardly one that poſſeſſes the qualities required in a king, 'tis ſo many to one, that he upon whom the lot ſhall fall, will not be the man we ſeek, in whoſe perſon and government there can be ſuch a ſtability as is aſſerted. And that failing, all muſt neceſſarily fail; for there can be no ſtability in his will, laws or actions, who has none in his perſon.

That we may ſee whether this be verified by experience, we need not ſearch into the dark relations of the Babylonian and Aſſyrian monarchies: thoſe rude ages afford us little inſtruction; and tho' the fragments of hiſtory remaining do ſufficiently ſhow, that all things there were in perpetual fluctuation, by reaſon of the madneſs of their kings, and the violence of thoſe who tranſported the empire from one place or family to another, I will not much rely upon them, but ſlightly touching ſome of their ſtories, paſs to thoſe that are better known to us.

The kings of thoſe ages ſeem to have lived rather like beaſts in a foreſt, than men joined in civil ſociety: they followed the example of Nimrod the mighty hunter; force was the only law that prevailed, the ſtronger devoured the weaker, and continued in power till he was ejected by one of more ſtrength or better fortune. By this means the race of Ninus was deſtroy'd by Belochus. Arbaces rent the kingdom aſunder, and took Media to himſelf. Morodach extinguiſhed the race of Belochus, and was made king: Nabuchodonoſor like a flood overwhelmed all for a time, deſtroyed the kingdoms of Jeruſalem and Egypt, with many others, and found no obſtacle, till his rage and pride turned to a moſt beſtial

beſtial madneſs: and the Aſſyrian empire was wholly aboliſhed at the death of his grandchild Belſhazzar; and no ſtability can be found in the reigns of thoſe great kings, unleſs that name be given to the pride, idolatry, cruelty and wickedneſs in which they remained conſtant. If we examine things more diſtinctly, we ſhall find that all things varied according to the humour of the prince. Whilſt Pharaoh lived, who had received ſuch ſignal ſervices from Joſeph, the Iſraelites were well uſed: but when another roſe up who knew him not, they were perſecuted with all the extremities of injuſtice and cruelty, till the furious king perſiſting in his deſign of exterminating them, brought deſtruction upon himſelf and the nation. Where the like power hath prevailed, it has ever produced the like effects. When ſome great men of Perſia had perſuaded Darius, that it was a fine thing to command, that no man for the ſpace of thirty days ſhould make any petition to God or man, but to the king only, Daniel the moſt wiſe and holy man then in the world muſt be thrown to the lions. When God had miraculouſly ſaved him, the ſame ſentence was paſſed againſt the princes of the nation *. When Haman had filled Ahaſuerus his ears with lies, all the Jews were appointed to be ſlain; and when the fraud of that villain was detected, leave was given them, with the like precipitancy, to kill whom they pleaſed. When the Iſraelites came to have kings, they were made ſubject to the ſame ſtorms, and always with their blood ſuffer'd the penalty of their prince's madneſs. When one kind of fury poſſeſſed Saul, he ſlew the prieſts, perſecuted David, and would have killed his brave ſon Jonathan: when he fell under another, he took upon him to do the prieſt's

* Dan vi.

office, pretended to underſtand the word of God better than Samuel, and ſpared thoſe that God had commanded him to deſtroy: upon another whimſey he killed the Gibeonites, and never reſted from finding new inventions to vex the people, till he had brought many thouſands of them to periſh with himſelf and his ſons on mount Gilboa. We do not find any king, in wiſdom, valour and holineſs, equal to David; and yet he falling under the temptations that attend the greateſt fortunes, brought civil wars and a plague upon the nation. When Solomon's heart was drawn away by ſtrange women, he filled the land with idols, and oppreſſed the people with intolerable tributes. Rehoboam's folly made that rent in the kingdom which could never be made up. Under his ſucceſſors the people ſerved God, Baal or Aſhtaroth, as beſt pleaſed him who had the power; and no other marks of ſtability can be alledged to have been in that kingdom, than the conſtancy of their kings in the practice of idolatry, their cruelty to the prophets, hatred to the Jews, and civil wars producing ſuch ſlaughters as are reported in few other ſtories: the kingdom was in the ſpace of about two hundred years poſſeſſed by nine ſeveral families, not one of them getting poſſeſſion otherwiſe than by the ſlaughter of his predeceſſor, and the extinction of his race; and ended in the bondage of the ten tribes, which continues to this day.

He that deſires farther proofs of this point, may ſeek them in the hiſtories of Alexander of Macedon, and his ſucceſſors: he ſeems to have been endow'd with all the virtues that nature improved by diſcipline did ever attain, ſo that he is believed to be the man meant by Ariſtotle, who on account of the excellency of his virtues, was by nature framed for a king;

a king; and Plutarch * aſcribes his conqueſts rather to thoſe, than to his fortune: but even that virtue was overthrown by the ſucceſſes that accompanied it: he burnt the moſt magnificent palace of the world, in a frolick, to pleaſe a mad drunken whore: upon the moſt frivolous ſuggeſtions of eunuchs and raſcals, he kill'd the beſt and braveſt of his friends; and his valour, which had no equal, not ſubſiſting without his other virtues, periſhed when he became lewd, proud, cruel and ſuperſtitious; ſo as it may be truly ſaid, he died a coward. His ſucceſſors did not differ from him: when they had killed his mother, wife and children, they exerciſed their fury againſt one another; and tearing the kingdom to pieces, the ſurvivors left the ſword as an inheritance to their families, who periſhed by it, or under the weight of the Roman chains.

When the Romans had loſt that liberty which had been the nurſe of their virtue, and gained the empire in lieu of it, they attained to our author's applauded ſtability. Julius being ſlain in the ſenate, the firſt queſtion was, whether it could be reſtored, or not? And that being decided by the battle of Philippi, the conquerors ſet themſelves to deſtroy all the eminent men in the city, as the beſt means to eſtabliſh the monarchy. Auguſtus gained it by the death of Antonius, and the corruption of the ſoldiers; and he dying naturally, or by the fraud of his wife, the empire was transferred to her ſon Tiberius; under whom the miſerable people ſuffer'd the worſt effects of the moſt impure luſt and inhuman cruelty: he being ſtifled, the government went on with much uniformity and ſtability; Caligula, Claudius, Nero, Galba, Otho, Vitellius, regularly and conſtantly did all the miſchief they could, and were

* Plut. in vit. Alex.

not more like to each other in the villanies they committed, than in the deaths they ſuffered. Veſpaſian's more gentle reign did no way compenſate the blood he ſpilt to attain the empire: and the benefits received from Titus his ſhort-liv'd virtue, were infinitely overbalanced by the deteſtable vices of his brother Domitian, who turned all things into the old channel of cruelty, luſt, rapine and perfidiouſneſs. His ſlaughter gave a little breath to the gaſping periſhing world; and men might be virtuous under the government of Narva, Trajan, Antoninus, Aurelius, and a few more; tho' even in their time religion was always dangerous. But when the power fell into the hands of Commodus, Heliogabalus, Caracalla, and others of that ſort, nothing was ſafe but obſcurity, or the utmoſt exceſſes of lewdneſs and baſeneſs. However, whilſt the will of the governor paſſed for a law, and the power did uſually fall into the hands of ſuch as were moſt bold and violent, the utmoſt ſecurity that any man could have for his perſon or eſtate, depended upon his temper; and princes themſelves, whether good or bad, had no longer leaſes of their lives, than the furious and corrupted ſoldiers wou'd give them; and the empire of the world was changeable, according to the ſucceſs of a battle.

Matters were not much mended when the emperors became Chriſtians: ſome favour'd thoſe who were called Orthodox, and gave great revenues to corrupt the clergy. Others ſupported Arianiſm, and perſecuted the Orthodox with as much aſperity as the Pagans had done. Some revolted, and ſhewed themſelves more fierce againſt the profeſſors of Chriſtianity, than they that had never had any knowledge of it. The world was torn in pieces amongſt them, and often ſuffer'd as great miſeries by their ſloth, ignorance

norance and cowardice, as by their fury and madneſs, till the empire was totally diſſolved and loſt: That which under the weakneſs and irregularity of a popular government, had conquer'd all from the Euphrates to Britain, and deſtroyed the kingdoms of Aſia, Egypt, Macedon, Numidia, and a multitude of others, was made a prey to unknown barbarous nations, and rent into as many pieces as it had been compoſed of, when it enjoy'd the ſtability that accompanies divine and abſolute monarchy.

The like may be ſaid of all the kingdoms in the world; they may have their ebbings and flowings, according to the virtues or vices of princes or their favourites; but can never have any ſtability, becauſe there is, and can be none in them: or if any exception may be brought againſt this rule, it muſt be of thoſe monarchies only which are mixed and regulated by laws, where diets, parliaments, aſſemblies of eſtates, or ſenates, may ſupply the defects of a prince, reſtrain him if he prove extravagant, and reject ſuch as are found to be unworthy of their office, which are as odious to our author and his followers, as the moſt popular governments, and can be of no advantage to his cauſe.

There is another ground of perpetual fluctuation in abſolute monarchies; or ſuch as are grown ſo ſtrong, that they cannot be reſtrained by law, tho' according to their inſtitution they ought to be, diſtinct from, but in ſome meaſure relating to the inclinations of the monarch, that is, the impulſe of miniſters, favourites, wives or whores, who frequently govern all things according to their own paſſions or intereſts. And tho' we cannot ſay who were the favourites of every one of the Aſſyrian or Egyptian kings, yet the examples before-mentioned of the different method follow'd in Egypt before, and af-

ter the death of Joſeph, and in Perſia whilſt the idolatrous princes, and Haman or Daniel, Eſther and Mordecai were in credit; the violent changes happening thereupon, give us reaſon to believe the like were in times of other kings: and if we examine the hiſtories of latter ages, and the lives of princes that are more exactly known, we ſhall find that kingdoms are more frequently ſwayed by thoſe who have power with the prince, than by his own judgment: ſo that whoſoever hath to deal with princes concerning foreign or domeſtick affairs, is obliged more to regard the humour of thoſe perſons, than the moſt important intereſts of a prince or people.

I might draw too much envy upon myſelf, if I ſhould take upon me to cite all the examples of this kind that are found in modern hiſtories, or the memoirs that do more preciſely ſhew the temper of princes, and the ſecret ſprings by which they were moved. But as thoſe who have well obſerved the management of affairs in France during the reigns of Francis the firſt, Henry the ſecond, Francis the ſecond, Charles the ninth, Henry the third, Henry the fourth, and Lewis the thirteenth, will confeſs, that the intereſts of the Dukes of Montmorency and Guiſe, Queen Katharine de Medicis, the Duke of Epernon, La Foſſeuſe, Madam de Guiche, de Gabriele, d'Entragues, the Marechal d Ancre, the Conſtable de Luines, and the Cardinal de Richelieu, were more to be conſider'd by thoſe who had any private or public buſineſs to treat at court, than the opinions of thoſe princes, or the moſt weighty concernments of the ſtate; ſo it cannot be denied, that other kingdoms where princes legally have, or wrongfully uſurp the like power, are governed in the like manner; or if it be, there is hardly any prince's reign that

that will not furniſh abundant proof of what I have aſſerted.

I agree with our author, that "good order and "ſtability produce ſtrength." If monarchy therefore excel in them, abſolute monarchies ſhould be of more ſtrength than thoſe that are limited, according to the proportion of their riches, extent of territory, and number of people that they govern; and thoſe limited monarchies in the like proportion more ſtrong than popular governments or commonwealths. If this be ſo, I wonder how a few of "thoſe giddy Greeks who," according to our author, "had learning enough only to make them "ſeditious," came to overthrow thoſe vaſt armies of the Perſians as often as they met with them; and ſeldom found any other difficulty than what did ariſe from their own countrymen, who ſometimes ſided with the Barbarians. Seditions are often raiſed by a little prating; but when one man was to fight againſt fifty, or a hundred, as at the battles of Salamine, Platea, Marathon, and others, then induſtry, wiſdom, ſkill and valour was required; and if their learning had not made them to excel in thoſe virtues, they muſt have been overwhelmed by the prodigious multitudes of their enemies. This was ſo well known to the Perſians, that when Cyrus the younger prepared to invade his brother Artaxerxes *, he brought together indeed a vaſt army of Aſiatics; but chiefly relied upon the counſel and valour of ten thouſand Grecians, whom he had engaged to ſerve him. Theſe giddy heads, accompanied with good hands, in the great battle near Babylon, found no reſiſtance from Artaxerxes his army; and when Cyrus was killed by accident in purſuit of the victory they had gained, and their own officers treache-

* Plut. vit. Artax.

rouſly murder'd, they made good their retreat into Greece under the conduct of Xenophon, in deſpite of above four hundred thouſand horſe and foot, who endeavoured to oppoſe them. They were deſtitute of horſe, money, proviſions, friends and all other help, except what their wiſdom and valour furniſhed them; and thereupon relying, they paſſed over the bellies of all the enemies that ventured to appear againſt them in a march of a thouſand miles. Theſe things were performed in the weakneſs of popular confuſion; but Ageſilaus not being ſenſible of ſo great defects, accompanied only with ſix and thirty Spartans, and ſuch other forces as he could raiſe upon his perſonal credit, adventured without authority or money to undertake a war againſt that great king Artaxerxes; and having often beaten Pharnabazus and Tiſſaphernes his lieutenants, was preparing to aſſault him in the heart of his kingdom, when he was commanded by the ephori to return for the defence of his own country.

It may in like manner appear ſtrange, that Alexander with the forces of Greece, much diminiſhed by the Phocean, Peloponneſian, Theban, and other inteſtine wars, could overthrow all the powers of the Eaſt, and conquer more provinces than any other army ever ſaw; if ſo much order and ſtability were to be found in abſolute monarchies, and if the liberty in which the Grecians were educated did only fit them for ſeditions: and it would ſeem no leſs aſtoniſhing, that Rome and Greece, whilſt they were free, ſhould furniſh ſuch numbers of men excelling in all moral virtues, to the admiration of all ſucceeding ages; and thereby become ſo powerful that no monarchs were able to reſiſt them; and that the ſame countries ſince the loſs of their liberty, have always been weak, baſe, cowardly, and vicious,

if the ſame liberty had not been the mother and nurſe of their virtue, as well as the root of their power.

It cannot be ſaid that Alexander was a monarch in our author's ſenſe; for the power of the Macedonian kings was ſmall. Philip confeſſed the people were freemen, and his ſon found them to be ſo, when his fortune had overthrown his virtue, and he fell to hate and fear that generoſity of ſpirit which it creates. He made his conqueſts by it, and lov'd it as long as he deſerved to be lov'd. His ſucceſſors had the ſame fortune: when their hearts came to be filled with barbaric pride, and to delight only in rendring men ſlaves, they became weak and baſe, and were eaſily overthrown by the Romans, whoſe virtue and fortune did alſo periſh with their liberty. All the nations they had to deal with, had the ſame fate. They never conquered a free people without extreme difficulty: they received many great defeats, and were often neceſſitated to fight for their lives againſt the Latins, Sabines, Tuſcans, Samnites, Carthaginians, Spaniards; and in the height of their power found it a hard work to ſubdue a few poor Etolians: but the greateſt kings were eaſily overcome. When Antiochus had inſolently boaſted that he could cover Greece and Italy with the multitude of his troops, Quintius Flaminius * ingeniouſly compared his army of Perſians, Chaldeans, Syrians, Meſopotamians, Cappadocians, Arabians, and other baſe Aſiatic ſlaves, to a ſupper ſet before him by a Grecian friend, which ſeeming to be of ſeveral ſorts of veniſon, was all cut out of one hog, variouſly dreſs'd; and not long after was as eaſily ſlaughter'd as the hog had been. The greateſt danger of the war with Mithridates was to avoid his poiſons and treacheries;

* Plut. in vit. Q. Flamin.

and to follow him through the deſerts where he fled. When Lucullus with leſs than twenty thouſand men had put Tigranes with two hundred thouſand to flight, the Roman ſoldiers who for a while had purſued the chace, ſtood ſtill on a ſudden, and fell into loud laughter at themſelves for uſing their arms againſt ſuch wretched cowardly ſlaves *. If this be not enough to prove the falſhood of our author's propoſition, I deſire it may be conſider'd whether good order or ſtability be wanting in Venice: whether Tuſcany be in a better condition to defend itſelf ſince it fell under the power of the Medices, or when it was full of free cities: whether it were an eaſy work to conquer Switzerland: whether the Hollanders are of greater ſtrength ſince the recovery of their liberty, or when they groaned under the yoke of Spain: and laſtly, whether the intire conqueſt of Scotland and Ireland, the victories obtained againſt the Hollanders when they were in the height of their power, and the reputation to which England did riſe in leſs than five years after 1648, be good marks of the inſtability, diſorder, and weakneſs of free nations: and if the contrary be true, nothing can be more abſurdly falſe than our author's aſſertion.

SECT. XII.

The glory, virtue, and power of the Romans began and ended with their liberty.

AMong many fine things propoſed by our author, I ſee none more to be admired, or that better declares the ſoundneſs of his judgment, than that he is only pleaſed with the beginning and end of the Roman empire; and ſays, "that their time "of liberty" (between thoſe two extremes) "had

* Plut. in vit. Lucul.

"nothing

" nothing of good in it, but that it was of ſhort " continuance:" whereas I dare affirm that all that was ever deſirable, or worthy of praiſe and imitation in Rome, did proceed from its liberty, grow up and periſh with it: which I think will not be contradicted by any, but thoſe who prefer the moſt ſordid vices before the moſt eminent virtues; who believe the people to have been more worthily employed by the Tarquins in cleanſing jakes and common ſhores, than in acquiring the dominion of the beſt part of mankind; and account it better for a people to be oppreſſed with hard labour under a proud maſter in a ſteril, unhealthy ten-mile territory, than to command all the countries that lie between the Euphrates and Britain. Such opinions will hardly find any better patrons than Filmer and his diſciples, nor the matters of fact, as they are repreſented, be denied by any that know the hiſtories of thoſe times. Many Romans may have had ſeeds of virtue in them, whilſt in the infancy of that city they lived under kings; but they brought forth little fruit. Tarquin, ſirnamed the proud, being a Grecian by extraction, had perhaps obſerved that the virtue of that nation had rendred them averſe to the divine government he deſired to ſet up; and having by his well-natured Tullia poiſon'd his own brother her huſband, and his own wife her ſiſter, married her, killed her father, and ſpared none that he thought able to oppoſe his deſigns, to finiſh the work, he butchered the ſenate, with ſuch as ſeemed moſt eminent among the people, and like a moſt pious father endeavour'd to render the city deſolate: during that time they who would not be made inſtruments of thoſe villanies were obliged for their own ſafety to conceal their virtues: but he being removed, they ſhined in their glory. Whilſt he reign'd Brutus,

Valerius,

Valerius, Horatius, Herminius, Larcius, and Coriolanus, lay hid and unregarded; but when they came to fight for themſelves, and to employ their valour for the good of their country, they gave ſuch teſtimonies of bravery, as have been admired by all ſucceeding ages, and ſettled ſuch a diſcipline, as produced others like to them, or more excellent than they, as long as their liberty laſted. In two hundred and ſixty years that they remained under the government of kings, tho' all of them, the laſt only excepted, were choſen by the ſenate and people, and did as much to advance the publick ſervice as could reaſonably be expected from them, their dominion hardly extended ſo far as from London to Hounſlow: but in little more than three hundred years after they recovered their liberty, they had ſubdued all the warlike nations of Italy, deſtroy'd vaſt armies of the Gauls, Cimbri, and Germans, overthrown the formidable power of Carthage, conquer'd the Ciſalpine and Tranſalpine Gauls, with all the nations of Spain, notwithſtanding the ferocity of the one, and the more conſtant valour of the other, and the prodigious multitudes of both: they had brought all Greece into ſubjection, and by the conqueſt of Macedon the ſpoils of the world to adorn their city; and found ſo little difficulty in all the wars that happened between them and the greateſt kings after the death of Alexander of Epirus and Pirrhus, that the defeats of Siphax, Perſeus, Antiochus, Pruſias, Tigranes, Ptolemy, and many others, did hardly deſerve to be numbred amongſt their victories.

It were ridiculous to impute this to chance, or to think that fortune, which of all things is the moſt variable, could for ſo many ages continue the ſame courſe, unleſs ſupported by virtue; or to ſuppoſe

that all theſe monarchies which are ſo much extoll'd, could have been deſtroyed by that commonwealth, if it had wanted ſtrength, ſtability, virtue, or good order. The ſecret counſels of God are impenetrable; but the ways by which he accompliſhes his deſigns are often evident: when he intends to exalt a people, he fills both them and their leaders with the virtues ſuitable to the accompliſhment of his end; and takes away all wiſdom and virtue from thoſe he reſolves to deſtroy. The pride of the Babylonians and Aſſyrians fell through the baſeneſs of Sardanapalus; and the great city was taken while Belſhazzar lay drunk amongſt his whores: the empire was tranſported to the Perſians and Grecians by the valour of Cyrus, Alexander, and the brave armies that follow'd them. Hiſtories furniſh us with innumerable examples of this kind: but I think none can be found of a cowardly, weak, effeminate, fooliſh, ill-diſciplin'd people, that have ever ſubdued ſuch as were eminent in ſtrength, wiſdom, valour, and good diſcipline; or that theſe qualities have been found or ſubſiſted any where, unleſs they were cultivated and nouriſh'd by a well order'd government. If this therefore was found among the Romans, and not in the kingdoms they overthrew, they had the order and ſtability which the monarchies had not; and the ſtrength and virtue by which they obtained ſuch ſucceſs was the product of them. But if this virtue and the glorious effects of it did begin with liberty, it did alſo expire with the ſame. The beſt men that had not fallen in battle were gleaned up by the proſcriptions, or circumvented for the moſt part by falſe and frivolous accuſations. Mankind is inclin'd to vice, and the way to virtue is ſo hard, that it wants encouragement; but when all honours, advantages and preferments are given to

vice,

vice, and deſpiſed virtue finds no other reward than hatred, perſecution, and death, there are few who will follow it. Tacitus well deſcribes the ſtate of the empire, when the power was abſolutely fallen into the hands of one: " Italia novis cladibus, vel " poſt longam ſeculorum ſeriem repetitis, afflicta; " urbs incendiis vaſtata, conſumptis antiquiſſimis de- " lubris, ipſo capitolio civium manibus incenſo; " pollutæ ceremoniæ; magna adulteria; plenum " exiliis mare; infecti cædibus ſcopuli; atrocius in " urbe ſævitum; nobilitas, opes, omiſſi vel geſti ho- " nores pro crimine, & ob virtutes certiſſimum exi- " tium. *" His following words ſhew, that the rewards of theſe abominations were not leſs odious than the things themſelves: the higheſt dignities were beſtowed upon the Delatores, who were a kind of rogues like to our Iriſh witneſſes, or thoſe that by a new coin'd word we call Trepanners. This is not a picture drawn by a vulgar hand, but by one of the beſt painters in the world; and being a model that ſo much pleaſes our author, 'tis good to ſee what it produced. The firſt fruit was ſuch an entire degeneracy from all good, that Rome may be juſtly ſaid never to have produced a brave man ſince the firſt age of her ſlavery. Germanicus and Corbulo were born expirante libertate; and the recompence they received did ſo little encourage others to follow their example, that none have been found in any degree like to them; and thoſe of the moſt noble families applied themſelves to ſleep, lazineſs, and luxury, that they might not be ſuſpected to be better than their maſters. Thraſeas, Soranus, and Helvidius were worthy men, who reſolved to perſiſt in their integrity, tho' they ſhould die for it; but that was the only thing that made them eminent; for they

* C. Tacit. Hiſt. l. 1.

were

were of unknown families, not Romans by birth, nor ever employed in war: and thoſe emperors who did arrive to any degree of virtue, were Spaniards, Gauls, Africans, Thracians, and of all nations, except Romans. The patrician and plebeian families, which for many ages had fill'd the world with great commanders, and ſuch as excelled in all virtues, being thus extinguiſhed or corrupted, the common people fell into the loweſt degree of baſeneſs: "Plebs ſordida circo & theatris ſueta*." That people which in magnanimity ſurpaſſed all that have been known in the world; who never found any enterprize above their ſpirit to undertake, and power to accompliſh, with their liberty loſt all their vigour and virtue. They who by their votes had diſpoſed of kingdoms and provinces, fell to deſire nothing but to live and ſee plays.

"Duas tantum res anxius optat,
"Panem & circenſes†."

Whether their emperors were good or bad, they uſually rejoic'd at their death, in hopes of getting a little money or victuals from the ſucceſſor. Tho' the empire was by this means grown weak and bloodleſs, yet it could not fall on a ſudden: ſo vaſt a body could not die in a moment: all the neighbouring nations had been ſo much broken by their power, that none was able to take advantage of their weakneſs; and life was preſerved by the ſtrength of hungry Barbarians, allured by the greatneſs of the pay they received to defend thoſe, who had no power left to defend themſelves. This precarious and accidental help could not be durable. They who for a while had been contented with their wages, ſoon began to think it fit for them rather to fight for themſelves,

* C. Tacit. † Juvenal. ſat.

than

than for their weak maſters; and thereupon fell to ſet up emperors depending on themſelves, or to ſeize upon the naked provinces, where they found no other difficulty than to contend with other ſtrangers, who might have the like deſign upon the ſame. Thus did the armies of the Eaſt and Weſt ſet up emperors at their pleaſure; and tho' the Goths, Vandals, Huns, Sueves, Alans, and others had cruel wars among themſelves, yet they feared and ſuffered little or nothing from the Romans. This ſtate of things was ſo ſoon obſerved, that in the beginning of Tiberius his reign they who endeavoured to excite the Gauls to take arms, uſed no other arguments than ſuch as were drawn from the extreme weakneſs of the Romans, "Quàm inops Italia, plebs urbana "imbellis, nihil in exercitibus validum præter exter-"num*." It was evident that after the battles of Philippi and Actium, the ſtrength of the Roman armies conſiſted of ſtrangers; and even the victories that went under their name were gained by thoſe nations which in the time of their liberty they had ſubdued. They had nothing left but riches gather'd out of their vaſt dominions; and they learnt by their ruin, that an empire acquir'd by virtue could not long be ſupported by money. They who by their valour had arrived at ſuch a height of glory, power, greatneſs, and happineſs as was never equalled, and who in all appearance had nothing to fear from any foreign power, could never have fallen, unleſs their virtue and diſcipline had decay'd, and the corruption of their manners had excited them to turn their victorious ſwords into their own bowels. Whilſt they were in that flouriſhing condition, they thought they had nothing more to deſire than continuance: but if our author's judgment is to be follow-

* C. Tacit. an. l. 3.

ed;

ed, there was " nothing of good in it, except the " ſhortneſs of its continuance;" they were beholden to thoſe who wrought the change, they were the better for the battles of Pharſalia, Philippi, Munda, and Actium; the deſtruction of two thirds of the people, with the ſlaughter of all the moſt eminent men among them was for their advantage: the proſcriptions were wholſome remedies: Tacitus did not underſtand the ſtate of his own country, when he ſeems to be aſhamed to write the hiſtory of it, " Nobis in arcto & inglorius labor †;" when inſtead of ſuch glorious things as had been atchiev'd by the Romans, whilſt either the ſenate, or the common people prevailed, he had nothing left to relate, but " ſæva juſſa, continuas accuſationes, " fallaces amicitias, perniciem innocentium:" they enjoy'd nothing that was good from the expulſion of the Tarquins to the reeſtabliſhment of divine abſolute monarchy in the perſons of thoſe pious fathers of the people, Tiberius, Caligula, Claudius, Nero, Galba, Otho, Vitellius, &c. There was no virtue in the Junii, Horatii, Cornelii, Quintii, Decii, Manlii; but the generous and tender-hearted princes before-mentioned were perfect examples of it: whilſt annual magiſtrates governed, there was no ſtability; Sejanus Macro and Tigellinus introduced good order: virtue was not eſteemed by the antient ſenate and people; Meſſalina, Agrippina, Poppæa, Narciſſus, Pallas, Vinnius, and Laco knew how to put a juſt value upon it: the irregularities of popular aſſemblies, and want of prudence in the ſenate, was repaired by the temperate proceedings of the German, Pannonian and eaſtern armies, or the modeſt diſcretion of the pretorian bands: the city was delivered by them from the burden of governing the world,

† Annal. l. 4.

and

and for its own good frequently plunder'd, fired; and at laſt, with the reſt of deſolated Italy, and the nobleſt provinces of Europe, Aſia and Africa, brought under the yoke of the moſt barbarous and cruel nations. By the ſame light we may ſee that thoſe who endeavour'd to perpetuate the miſery of liberty to Rome, or loſt their lives in the defence of it, were the worſt, or the moſt fooliſh of men, and that they were the beſt who did overthrow it. This rectifies all our errors; and if the higheſt praiſes are due to him that did the work, the next are well deſerved by thoſe who periſhed in attempting it: and if the ſons of Brutus, with their companions the Vitellii and Aquilii; Claudius Appius the Decemvir; thoſe that would have betrayed the city to Porſenna; Spurius Melius, Spur. Caſſius, Manlius Capitolinus, Saturninus, Catiline, Cethegus, Lentulus, had been as fortunate as Julius Cæſar, they might as well have deſerved an apotheoſis. But if all this be falſe, abſurd, beſtial and abominable, the principles that neceſſarily lead us to ſuch concluſions are ſo alſo; which is enough to ſhew, that the ſtrength, virtue, glory, wealth, power and happineſs of Rome proceeding from liberty, did riſe, grow and periſh with it.

SECT. XIII.

There is no diſorder or prejudice in changing the name or number of magiſtrates, whilſt the root and principle of their power continues intire.

IN the next place our author would perſuade us that the Romans were inconſtant, becauſe of their changes from annual conſuls to military tribunes, decemviri, and dictators; and gives the name of ſedition to the complaints made againſt uſury, or

the conteſts concerning marriages or magiſtracy: but I affirm,

1. That no change of magiſtracy, as to the name, number, or form, doth teſtify irregularity, or bring any manner of prejudice, as long as it is done by thoſe who have a right of doing it, and he or they who are created continue within the power of the law to accompliſh the end of their inſtitution; many forms being in themſelves equally good, and may be uſed as well one as another, according to times and other circumſtances.

2. In the ſecond place, 'tis a rare thing for a city at the firſt to be rightly conſtituted: men can hardly at once foreſee all that may happen in many ages, and the changes that accompany them ought to be provided for. Rome in its foundation was ſubject to theſe defects, and the inconveniencies ariſing from them were by degrees diſcover'd and remedied. They did not think of regulating uſury, till they ſaw the miſchiefs proceeding from the cruelty of uſurers; or ſetting limits to the proportion of land that one man might enjoy, till the avarice of a few had ſo far ſucceeded, that their riches were grown formidable, and many by the poverty to which they were reduced became uſeleſs to the city. It was not time to make a law that the plebeians might marry with the patricians, till the diſtinction had raiſed the patricians to ſuch pride, as to look upon themſelves to have ſomething of divine, and the others to be inauſpicati or prophane, and brought the city into danger by that diviſion; nor to make the plebeians capable of being elected to the chief magiſtracies, till they had men able to perform the duties of them. But theſe things being obſerved, remedies were ſeaſonably applied without any bloodſhed or miſchief, tho' not without noiſe and wrangling.

3. All human conſtitutions are ſubject to corruption, and muſt periſh, unleſs they are timely renewed, and reduced to their firſt principles: this was chiefly done by means of thoſe tumults which our author ignorantly blames: the whole people by whom the magiſtracy had been at firſt created, executed their power in thoſe things which comprehend ſovereignty in the higheſt degree, and brought every one to acknowledge it: there was nothing that they could not do, who firſt conferr'd the ſupreme honours upon the patricians, and then made the plebeians equal to them. Yet their modeſty was not leſs than their power or courage to defend it: and therefore when by the law they might have made a plebeian conſul, they did not chooſe one in forty years; and when they did make uſe of their right in advancing men of their own order, they were ſo prudent, that they cannot be ſaid to have been miſtaken in their elections three times, whilſt their votes were free: whereas, of all the emperors that came in by uſurpation, pretence of blood from thoſe who had uſurped, or that were ſet up by the ſoldiers, or a few electors, hardly three can be named who deſerved that honour, and moſt of them were ſuch as ſeemed to be born for plagues to mankind.

4. He manifeſts his fraud or ignorance in attributing the legiſlative power ſometimes to the ſenate, and ſometimes to the people; for the ſenate never had it. The ſtile of Senatus cenſuit, Populus juſſit, was never alter'd; but the right of adviſing continuing in the ſenate, that of enacting ever continued in the people.

5. An occaſion of commending abſolute power, in order to the eſtabliſhment of hereditary monarchy, is abſurdly drawn from their cuſtom of creating a dictator in time of danger; for no man was ever created,

created, but ſuch as ſeemed able to bear ſo great a burden, which in hereditary governments is wholly left to chance. Tho' his power was great, it did ariſe from the law; and being confin'd to ſix months, 'twas almoſt impoſſible for any man to abuſe it, or to corrupt ſo many of thoſe who had enjoy'd the ſame honour, or might aſpire to it, as to bring them for his pleaſure to betray their country: and as no man was ever choſen who had not given great teſtimonies of his virtues, ſo no one did ever forfeit the good opinion conceived of him. Virtue was then honour'd, and thought ſo neceſſarily to comprehend a ſincere love and fidelity to the commonwealth, that without it the moſt eminent qualities were reputed vile and odious; and the memory of former ſervices could no way expiate the guilt of conſpiring againſt it. This ſeeming ſeverity was in truth the greateſt clemency: for tho' our author has the impudence to ſay, that during the "Roman "liberty the beſt men thrived worſt, and the worſt "beſt," he cannot alledge one example of any eminent Roman put to death (except Manlius Capitolinus) from the expulſion of the Tarquins to the time of the Gracchi, and the civil wars not long after enſuing; and of very few who were baniſhed. By theſe means crimes were prevented; and the temptations to evil being removed, treachery was deſtroy'd in the root; and ſuch as might be naturally ambitious, were made to ſee there was no other way to honour and power than by acting virtuouſly.

But leſt this ſhould not be ſufficient to reſtrain aſpiring men, what power ſoever was granted to any magiſtrate, the ſovereignty ſtill remained in the people, and all without exception were ſubject to them. This may ſeem ſtrange to thoſe who think the

dictators were abſolute, becauſe they are ſaid to have been ſine provocatione; but that is to be only underſtood in relation to other magiſtrates, and not to the people, as is clearly proved in the caſe of Q. Fabius, whom Papirius the dictator would have put to death: "Tribunos plebis appello *," ſays Fabius Maximus his father, "& provoco ad populum, "eumque tibi fugienti exercitus tui, fugienti ſena-"tus judicium, judicem fero; qui certe unus pluſ-"quam tua dictatura poteſt polletque: videro, ceſ-"ſuruſne ſis provocationi, cui Tullus Hoſtilius ceſ-"ſit." And tho' the people did rather interceed for Fabius than command his deliverance, that modeſty did evidently proceed from an opinion that Papirius was in the right; and tho' they deſired to ſave Fabius, who ſeems to have been one of the greateſt and beſt men that ever the city produced, they would not enervate that military diſcipline, to which they owed, not only their greatneſs, but their ſubſiſtence; moſt eſpecially when their ſovereign authority was acknowledged by all, and the dictator himſelf had ſubmitted. The right of appeals to the people was the foundation of the Roman commonwealth, laid in the days of Romulus †, ſubmitted to by Hoſtilius in the caſe of Horatius, and never violated, till the laws and the liberty which they ſupported were overthrown by the power of the ſword. This is confirmed by the ſpeech of Metellus the tribune, who in the time of the ſecond Carthaginian war, cauſeleſsly diſliking the proceedings of Q. Fabius Maximus then dictator, in a public aſſembly of the people ſaid, "Quod ſi antiquus animus plebi "Romanæ eſſet, ſe audacter laturum de abrogando "Q. Fabii imperio; nunc modicam rogationem "promulgaturum, de æquando magiſtri equitum &

* T. Liv. l. 8. † T. Liv. l. 1.

"dictatoris

" dictatoris jure :*" which was done, and that action, which had no precedent, ſhews that the people needed none, and that their power being eminently above that of all magiſtrates was obliged to no other rule than that of their own will. Tho' I do therefore grant that a power like to the dictatorian, limited in time, circumſcribed by law, and kept perpetually under the ſupreme authority of the people, may, by virtuous and well-diſciplin'd nations, upon ſome occaſions, be prudently granted to a virtuous man, it can have no relation to our author's monarch, whoſe power is in himſelf, ſubject to no law, perpetually exerciſed by himſelf, and for his own ſake, whether he have any of the abilities required for the due performance of ſo great a work, or be entirely deſtitute of them ; nothing being more unreaſonable than to deduce conſequences from caſes, which in ſubſtance and circumſtances are altogether unlike : but to the contrary, theſe examples ſhewing that the Romans, even in the time of ſuch magiſtrates as ſeemed to be moſt abſolute, did retain and exerciſe the ſovereign power, do moſt evidently prove that the government was ever the ſame remaining in the people, who without prejudice might give the adminiſtration to one or more men as beſt pleaſed themſelves, and the ſucceſs ſhews that they did it prudently.

* T. Liv. l. 22.

SECT. XIV.

No ſedition was hurtful to Rome, till through their proſperity ſome men gained a power above the laws.

LITTLE pains is required to confute our author, who imputes much bloodſhed to the popular government of Rome; for he cannot prove that one man was unjuſtly put to death, or ſlain in any ſedition before Publius Gracchus: the foundations of the commonwealth were then ſo ſhaken, that the laws could not be executed; and whatſoever did then fall out ought to be attributed to the monarchy for which the great men began to contend. Whilſt they had no other wars than with neighbouring nations, they had a ſtrict eye upon their commanders, and could preſerve diſcipline among the ſoldiers: but when by the excellence of their valour and conduct the greateſt powers of the world were ſubdued, and for the better carrying on of foreign wars, armies were ſuffered to continue in the ſame hands longer than the law did direct, ſoldiery came to be accounted a trade, and thoſe who had the worſt deſigns againſt the commonwealth, began to favour all manner of licentiouſneſs and rapine, that they might gain the favour of the legions, who by that means became unruly and ſeditious; 'twas hard, if not impoſſible, to preſerve a civil equality, when the ſpoils of the greateſt kingdoms were brought to adorn the houſes of private men; and they who had the greateſt cities and nations to be their dependants and clients, were apt to ſcorn the power of the law. This was a moſt dangerous diſeaſe, like thoſe to which human bodies are ſubject when they are arrived to that which phyſicians call the athletic habit, proceeding from the higheſt perfection of

health, activity and ſtrength, that the beſt conſtitution by diet and exerciſe can attain. Whoſoever falls into them ſhews that he had attain'd that perfection; and he who blames that which brings a ſtate into the like condition, condemns that which is moſt perfect among them. Whilſt the Romans were in the way to this, no ſedition did them any hurt: they were compoſed without blood; and thoſe that ſeemed to be the moſt dangerous, produced the beſt laws. But when they were arrived to that condition, no order could do them good; the fatal period ſet to human things was come, they could go no higher,

——" Summiſque negatum
Stare diu *;"

and all that our author blames, is not to be imputed to their conſtitution, but their departing from it. All men were ever ſubject to error, and it may be ſaid that the miſtaken people in the ſpace of about three hundred years did unjuſtly fine or baniſh five or ſix men; but thoſe miſtakes were ſo frankly acknowledged, and carefully repair'd by honours beſtow'd upon the injured perſons, as appears by the examples of Camillus, Livius Salinator, Paulus Emilius, and others, that they deſerve more praiſe than if they had not failed.

If for the above-mentioned time ſeditions were harmleſs or profitable, they were alſo abſolutely exempted from civil wars. Thoſe of Apulia and Greece were revolts of conquer'd nations, and can no way fall under that name: but 'tis moſt abſurdly applied to the ſervile and gladiatorian wars; for the gladiators were ſlaves alſo, and civil wars can be made only by thoſe who are members of the civil

* Lucan. l. 1.

ſociety, which ſlaves are not. Thoſe that made the bellum ſociale, were freemen, but not citizens; and the war they made could not be called civil. The Romans had three ways of dealing with conquered nations.

1. Some were received into the body of the city, Civitate donati, as the Latins by Romulus; the Albans by Hoſtilius; the Privernates when their ambaſſador declared, that no peace could be durable unleſs it were juſt and eaſy; and the ſenate ſaid, "Se viri & liberi vocem audiviſſe, taleſque dignos "eſſe ut Romani fiant;" and the like favour was ſhewn to many others.

2. By making laws with them, as Livy ſays, "Populum Romanum devictos bello populos, mal-"le ſocietate & amicitia habere conjunctos, quam "triſti ſubjectos ſervitio:" of which ſort were the Samnites, who not liking their condition, joined with Hannibal; and afterwards, under the conduct of the brave Teleſinus, with other nations that lived under the condition of the Socii, made an unproſperous attempt to deliver themſelves.

3. Thoſe who after many rebellions were "in "provinciam redacti," as the Capuans, when their city was taken by Appius Claudius, and Q. Fulvius Flaccus.

We often hear of wars made by thoſe of the two latter ſorts; but of none that can be called civil, till the times of Marius Sylla, and Catiline: and as they are to be eſteemed the laſt ſtrugglings of expiring liberty, when the laws, by which it had ſubſiſted, were enervated; ſo thoſe that happened between Cæſar and Pompey, Octavius and Antonius, with the proſcriptions, triumvirate, and all the miſchiefs that accompanied them, are to be imputed wholly to the monarchy for which they contend-

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ed, as well as thoſe between Nero, Galba, Otho, Vitellius, and Veſpaſian, that hardly ever ceaſed till the empire was aboliſhed; for the name of a commonwealth continued to the end; and I know not why Tiberius or Nero might not uſe it as well as Sylla or Marius.

Yet if our author be reſolved to impute to popular government all that paſſed before Cæſar made himſelf perpetual dictator, he will find no more than is ſeen in all places. We have known few ſmall ſtates, and no great one free from revolts of ſubjects or allies; and the greateſt empire of the Eaſt was overthrown by the rebellion of the Mammalukes their ſlaves. If there is any difference to be obſerved between what happened at Rome, 'tis chiefly, that whilſt there was any ſhadow of liberty, the ſlaves, gladiators, ſubjects or allies, were always beaten and ſuppreſſed; whereas in the time of the emperors, the revolt of a province was ſufficient give a new maſter to the beſt part of mankind; and to he having no more power than was required for a preſent miſchief, was for the moſt part, in a ſhort time, deſtroy'd by another. But to pleaſe our author, I will acknowledge a ſecond defect, even that wantonneſs to which he aſcribes all their diſorders; tho' I muſt withal deſire him to conſider from whence wantonneſs doth proceed. If the people of Turky or France did rebel, I ſhould think they were driven to it by miſery, beggary or deſpair; and could lay wantonneſs only to the charge of thoſe who enjoy'd much proſperity. Nations that are oppreſs'd and made miſerable, may fall into rage, but can never grow wanton. In the time of the Roman emperors, the pretorian cohorts, or the armies that had the liberty of ravaging the richeſt provinces, might be proud of their ſtrength, or grow wanton through

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the abundance of their enjoyments: The janizaries in latter ages may, for the ſame reaſons, have fallen into the like exceſſes; but ſuch as have loſt their liberty are in no danger of them. When all the nobility of Rome was deſtroyed, and thoſe who excelled in reputation or virtue, were fallen in the wars, or by the proſcriptions; when two thirds of the people were ſlain, the beſt cities and colonies burnt, the provinces exhauſted, and the ſmall remains left in them oppreſſed with a moſt miſerable ſlavery, they may have revolted, and ſometimes did, as the Britains, Batavians, and others mentioned in the Roman hiſtory: but they were driven to thoſe revolts by fury and neceſſity, ariſing from the miſeries and indignities they ſuffer'd under an inſupportable tyranny; and wantonneſs had no part in them. The people of Rome, when they were a little freed from the terror of the ſoldiers, did ſometimes for the ſame reaſons conſpire againſt the emperors; and when they could do no more, expreſſed their hatred by breaking their ſtatues: but after the battles of Pharſalia, Philippi, and the proſcriptions, they never committed any folly through wantonneſs. In the like manner Naples and Sicily have revolted within theſe few years; and ſome who are well acquainted with the ſtate of thoſe kingdoms, think them ready again to do the like; but if it ſhould ſo happen, no man of underſtanding would impute it to wantonneſs. The preſſures under which they groan, have cured them of all ſuch diſeaſes; and the Romans ſince the loſs of their liberty could never fall into them. They may have grown wanton when their authority was reverenced, their virtue admired, their power irreſiſtible, and the riches of the world were flowing in upon them, as it were, to corrupt their manners, by inciting them to pleaſure;

ſure: but when all that was loſt, and they found their perſons expos'd to all manner of violence from the baſeſt of men; their riches exhauſted by tributes and rapine, whilſt the treaſures of the empire were not ſufficient to ſupply the luxury of their maſters; the miſery they ſuffer'd, and the ſhame of ſuffering it, with the contemptible weakneſs to which they were reduc'd, did too ſtrongly admoniſh them that the vices of wantonneſs belonged only to thoſe who enjoy'd a condition far different from theirs; and the memory of what they had loſt, ſharpned the ſenſe of what they felt. This is the ſtate of things which pleaſes our author; and, by praiſing that government, which depriv'd thoſe who were under it of all that is moſt deſirable in the world, and introduc'd all that ought to be deteſted, he ſufficiently ſhews, that he delights only in that which is moſt abominable, and would introduce his admir'd abſolute monarchy, only as an inſtrument of bringing vice, miſery, devaſtation and infamy upon mankind.

SECT. XV.

The empire of Rome perpetually decay'd when it fell into the hands of one man.

IN purſuance of his deſign our author, with as much judgment as truth, denies that Rome became miſtreſs of the world under the popular government: "It is not ſo, ſays he, for Rome began "her empire under kings, and did perfect it under "emperors: it did only increaſe under that popula-"rity: her greateſt exaltation was under Trajan, "and longeſt peace under Auguſtus." For the illuſtration of which, I deſire theſe few things may be conſider'd,

1. That

1. That the firſt monarchy of Rome was not abſolute: the kings were made by the people without regard to any man's title, or other reaſon than the common good, chooſing him that ſeemed moſt likely to procure it; ſetting up at the ſame time a ſenate conſiſting of a hundred of the moſt eminent men among them; and, after the reception of the Sabines into the city, adding as many more to them, and committing the principal part of the government to their care, retaining the power of making thoſe laws to which the kings who reigned by their command were ſubject, and reſerving to themſelves the judgment of all great matters upon appeal. If any of their kings deſerved to be called a monarch, according to Filmer's definition, it was the laſt Tarquin *; for he alone of all their kings reigned not Juſſu populi, but came in by treachery and murder. If he had continued, he had cured the people of all vices proceeding from wantonneſs; but his fartheſt conqueſt was of the ſmall town of Gabii ten miles diſtant from Rome, which he effected by the fraud of his deteſtable ſon; and that being then the utmoſt limit of the Roman empire, muſt deſerve to be called the world, or the empire of it was not gained by their kings.

2. The extent of conqueſt is not the only, nor the chief thing that ought to be conſider'd in them; regard is to be had to the means whereby they are made, and the valour or force that was employ'd by the enemy. In theſe reſpects not only the overthrow of Carthage, and the conqueſts of Spain, but the victories gained againſt the Sabines, Latins, Tuſcans, Samnites, and other valiant nations of Italy, who moſt obſtinately defended their liberty, when the Romans had no forces but their own, ſhew more

* T. Liv. l. 2.

virtue,

virtue, and deſerve incomparably more praiſe, than the defeats of any nations whatſoever, when they were increaſed in number, riches, reputation and power, and had many other warlike people inſtructed in their diſcipline, and fighting under their enſigns. But I deny that the Romans did ever make any conſiderable acquiſition after the loſs of their liberty. They had already ſubdued all Italy, Greece, Macedon, the iſlands of the Mediterranean ſea, Thracia, Illyrium, Aſia the leſs, Pontus, Armenia, Syria, Egypt, Africa, Gaul and Spain. The forces of Germany were broken; a bridge laid over the Rhine, and all the countries on this ſide ſubdued. This was all that was ever gained by the valour of their own forces, and that could bring either honour or profit. But I know of no conqueſt made after that time, unleſs the name of conqueſt be given to Caligula's expedition, when he ſaid he had ſubdued the ſea, in making a uſeleſs bridge from Puteoli to Baiæ; or that of the other fool, who entered Rome in triumph, for having gathered ſhells on the ſea-ſhore. Trajan's expedition into the Eaſt, was rather a journey than a war: he rambled over the provinces that Auguſtus had abandoned as not worth keeping, and others that had nothing to defend them, but ill-armed and unwarlike barbarians: upon the whole matter, he ſeems to have been led only by curioſity; and the vanity of looking upon them as conqueſts, appears in their being relinquiſh'd as ſoon as gained. Britain was eaſily taken from a naked and unſkilful, tho' a brave people: hardly kept, and ſhamefully loſt. But tho' the emperors had made greater wars than the commonwealth, vanquiſhed nations of more valour and ſkill than their Italian neighbours, the Grecians or Carthaginians; ſubdued and ſlaughter'd thoſe that in numbers and ferocity had exceeded the Cimbri,

Cimbri, Gauls and Teutons, encountered captains more formidable than Pirrhus and Hannibal, it might indeed increaſe the glory of him that ſhould have done it, but could add nothing of honour or advantage to the Roman name: the nobility was extirpated long before, the people corrupted and enſlaved, Italy lay deſolate, ſo as a Roman was hardly to be found in a Roman army, which was generally compoſed of ſuch, as fighting for themſelves or their commander, never thought of any thing leſs than the intereſt of Rome: and as it is impoſſible that what is ſo neglected and betray'd, ſhould be durable, that empire which was acquired by the valour and conduct of the braveſt and beſt diſciplin'd people of the world, decay'd and periſhed in the hands of thoſe abſolute monarchs, who ought to have preſerved it.

3. Peace is deſirable by a ſtate that is conſtituted for it, who contenting themſelves with their own territories, have no deſires of enlarging them: or perhaps it might ſimply deſerve praiſe, if mankind were ſo framed, that a people intending hurt to none, could preſerve themſelves; but the world being ſo far of another temper, that no nation can be ſafe without valour and ſtrength, thoſe governments only deſerve to be commended, which by diſcipline and exerciſe increaſe both, and the Roman above all, that excelled in both. Peace therefore may be good in its ſeaſon, and was ſo in Numa's reign; yet two or three ſuch kings would have encouraged ſome active neighbours to put an end to that aſpiring city, before its territory had extended beyond Fidenæ. But the diſcipline that beſt agreed with the temper and deſigns of a warlike people, being renew'd by his brave ſucceſſors, the dangers were put on their enemies; and all of them, the laſt only excepted, perſiſting

perſiſting in the ſame way, did reaſonably well perform their duty. When they were removed, and the affairs of the city depended no longer upon the temper or capacity of one man, the ends for which the city was conſtituted were vigorouſly purſued, and ſuch magiſtrates annually choſen, as would not long continue in a univerſal peace, till they had gotten the empire to which they aſpir'd, or were by ill fortune brought to ſuch weakneſs, as to be no longer able to make war. Both of theſe happened in the ſo much magnified reign of Auguſtus. He found the empire ſo great, that all additions might rationally be rejected as uſeleſs or prejudicial; and Italy ſo exhauſted, that wars could only be carried on by the ſtrength of ſtrangers: it was time to lie ſtill when they had no power to act: and they might do it ſafely, whilſt the reputation gained by former victories preſerved them from foreign invaſions. When Craſſus, Pompey, and Cæſar, who had torn the commonwealth into three monarchies, were kill'd, and the flower of the Roman nobility and people deſtroyed with them, or by them: when Cato's virtue had prov'd too weak to ſupport a falling ſtate, and Brutus with Caſſius had periſhed in their noble attempt to reſtore the liberty: when the beſt part of the ſenate had been expoſed for a prey to the vulturs and wolves of Theſſaly, and one hundred and thirty of thoſe who deſerved the hatred of tyrants, and had eſcaped the fury of war, had been deſtroy'd by the proſcriptions: when neither captains nor ſoldiers remained in the deſolate city; when the tyrant abhorr'd and fear'd all thoſe who had either reputation or virtue, and by the moſt ſubtile arts endeavoured ſo to corrupt or break the ſpirits of the remaining people, that they might not think of their former greatneſs, or the ways of recovering it, we ought not to wonder that they

they ceaſed from war. But ſuch a peace is no more to be commended, than that which men have in the grave; as in the epitaph of the marquiſs Trivultio ſeen at Milan, "Qui nunquam quievit, quieſcit, "tace." This peace is in every wilderneſs: the Turks have eſtabliſhed it in the empty provinces of Aſia and Greece. Where there are no men, or if thoſe men have no courage, there can be no war. Our anceſtors the Britons obſerved, that the peace which in that age the Romans eſtabliſhed in the provinces, conſiſted in the moſt wretched ſlavery and ſolitude: "Miſſerrimam ſervitutem pacem appel-"lant." And in another place, "Solitudinem faci-"unt, pacem vocant*." This is the peace the Spaniards ſettled in their dominions of the Weſt-Indies, by the deſtruction of † forty millions of ſouls. The countries were very quiet, when wild beaſts only were left to fight in them, or a few miſerable wretches, who had neither ſtrength nor courage to reſiſt their violence. This was the peace the Romans enjoyed under Auguſtus: a few of thoſe who made themſelves ſubſervient to his pleaſure, and miniſters of the public calamities, were put into a flouriſhing condition; but the reſt pined, withered, and never recovered. If yet our author will have us to think the liberty of the people of Rome obliged to Auguſtus, who procured ſuch a peace for them, he ought to remember, that beſides what they ſuffered in ſettling it, they paid dear for it even in the future; for Italy was thereby ſo weakned, as never to recover any ſtrength or virtue to defend itſelf; but depending abſolutely upon barbarous nations, or armies compoſed of them, was ravaged and torn in pieces by every invader.

* C. Tacit. † Barth. de las Caſas, deſtruyc. de las Indias.

4. That

4. That peace is only to be valued which is accompanied with juſtice: and thoſe governments only deſerve praiſe, who put the power into the hands of the beſt men. This was wholly wanting during the reigns of Auguſtus and his ſucceſſors. The worſt of men gained the ſovereignty by alliance, fraud or violence, and advanced ſuch as moſt reſembled themſelves. Auguſtus was worſe in the beginning than in the latter end of his reign; but his bloody and impure ſucceſſor, grew every day more wicked as long as he lived: whilſt he ſat upon the rocks at Capreæ with his Chaldeans, he meditated nothing but luſt or miſchief, and had Sejanus and Macro always ready to execute his deteſtable deſigns. Caligula could find none equal to himſelf in all manner of villanies; but favour'd thoſe moſt who were likeſt to him. Claudius his ſtupidity, drunkenneſs, and ſubjection to the fury of two impudent ſtrumpets and manumiſed ſlaves, proved as hurtful to the empire, as the ſavage fury of his predeceſſor. Tho' Nero was a monſter that the world could not bear, yet the raging ſoldiers kill'd Galba, and gave the empire to Otho for no other reaſon, than that he had been the companion of his debauches, and of all men was thought moſt to reſemble him: with them all evils came in like a flood; and their ſucceſſors finding none ſo bad as themſelves, but the favourites, whores and ſlaves that governed them, would ſuffer no virtue to grow up; and filled the city with a baſe, lewd, and miſerable rabble, that cared for nothing beyond ſtage-plays and bread. Such a people could not be ſeditious; but Rome had been deſolate, if they had not thus filled it. And tho' this temper and condition of a people may pleaſe our author; yet it was an incurable wound to the ſtate, and in conſequence to the beſt part of the world.

When the city had been burnt by the Gauls, it was ſoon reſtored: the defeats of Ticinum, Trebia, Thraſimene, and Cannæ were repair'd with equal or greater victories: the war of the allies ended in their overthrow: the fury of the gladiators was extinguiſhed with their blood: the commonwealth loſt battles, but was never conquered in any war; and in the end triumphed over all that had contended with them. Whilſt liberty continued, it was the nurſe of virtue; and all the loſſes ſuffered in foreign or civil wars, were eaſily recovered: but when liberty was loſt, valour and virtue was torn up by the roots, and the Roman power proceeding from it, periſhed.

I have not dwelt ſo long upon this point to expoſe the folly of our author, but to ſhow that the abovemention'd evils did proceed from a permanent cauſe, which will always produce the like effects; and hiſtories teſtify, that it has done the ſame in all places. Carthage was rebuilt, after it had been deſtroy'd by Scipio, and continued to be a rich city for almoſt a thouſand years, but produced no ſuch men as Amilcar, Aſdrubal and Hannibal: Cleomenes and Euclidas were the laſt that deſerved to be called Spartans: Athens never had an eminent man, after it felt the weight of the Macedonian yoke; and Philopemen was the laſt of the Achaians. Tho' the commonwealths of Italy in latter ages, having too much applied themſelves to the acquiſition of money, and wanted that greatneſs of ſpirit which had reigned in their anceſtors, yet they have not been without valour and virtue. That of Piſa was famous for power at ſea, till the Genoeſes overthrew them. Florence had a brave nobility, and a ſtout people. Arezzo, Piſtoia, Cortona, Sienna, and other ſmall towns of Tuſcany, were not without

ſtrength,

ſtrength, tho' for the moſt part unhappily exerciſed in the factions of Ghibelins and Guelphs, Neri and Bianchi, that divided all Italy; but ſince the introduction of Filmer's divine abſolute monarchy, all power, virtue, reputation and ſtrength, is utterly periſhed from among them, and no man dares to oppoſe the public miſchiefs. They uſually decide private quarrels by aſſaſſination or poiſon; and in other reſpects they enjoy the happineſs of that peace which is always found within empty walls and deſolated countries: and if this be according to the laws of God and nature, it cannot be denied, that weakneſs, baſeneſs, cowardice, deſtruction and deſolation are ſo likewiſe. Theſe are the bleſſings our well-natur'd author would confer upon us; but if they were to be eſteemed ſo, I cannot tell why thoſe that felt them, complained ſo much of them. Tacitus reciting what paſſed in his time, and ſomewhat before (for want of a chriſtian ſpirit) in the bitterneſs of his ſoul ſays, "Nec unquam atrocioribus "populi Romani cladibus, magiſque juſtis indiciis "probatum eſt, non eſſe curæ Deis ſecuritatem "noſtram, eſſe ultionem*." Some thought that no puniſhments could be juſtly deſerved by a people that had ſo much favour'd virtue; others, that even the Gods they ador'd, envied their felicity and glory; but all confeſs'd they were fallen from the higheſt pitch of human happineſs into the loweſt degree of infamy and miſery: and our author being the firſt that ever found they had gained by the change, we are to attribute the diſcovery of ſo great a ſecret to the excellency of his wiſdom. If, ſuſpending my judgment in this point, till it be proved by better authority than his word, I in the mean time follow the opinion of thoſe who think ſlavery doth naturally

* C. Tacit. l. 1.

produce meanneſs of ſpirit, with its worſt effect, flattery, which Tacitus calls " fœdum ſervitutis cri-" men;" I muſt believe, that the impudence of carrying it to ſuch a height, as to commend nothing in the moſt glorious liberty, that made the moſt virtuous people in the world, but the ſhortneſs of its continuance, and to prefer the tyranny of the baſeſt of men, or worſt of monſters, is peculiar to Filmer; and that their wickedneſs, which had never been equalled, is ſurpaſſed by him, who recommends as the ordinance of God, the principles that certainly produce them.

" But, ſays our author, tho' Rome was for a while " miracuouſly upheld in glory by a greater prudence " than its own, yet in a ſhort time, after manifold " alterations, ſhe was ruined by her own hand." But 'tis abſurd to ſay, that the overthrow of a government, which had nothing of good in it, can be a ruin; or that the glory in which it continued, had nothing of good in it; and moſt of all, that it could be ruin'd by no hands but its own, if that glory had not been gained, and immediately or inſtrumentally ſupported by ſuch virtue and ſtrength as is worthily to be preferr'd before all other temporal happineſs, and does ever produce it. This ſhews that liars ought to have good memories. But paſſing over ſuch fooliſh contradictions, I deſire to know, how that " prudence, greater than its own" (which till I am better inform'd, I muſt think to be inſeparably united to juſtice and goodneſs) came miraculouſly to ſupport a government, which was not only evil in it ſelf, as contrary to the laws of God and nature; but ſo perpetually bent againſt that monarchy, which he ſays is according to them, as to hate all monarchs, deſpiſe all that would live under them, deſtroy as many of them as came within

their

their reach; and make a law by which any man was authoriſed to kill him, who ſhould endeavour to ſet up this divine power among them. Moreover, no human prudence preſerved the Roman glory but their own: the others directly ſet themſelves to oppoſe it, and the moſt eminent fell under it. We know of no prudence ſurpaſſing the human, unleſs it be the divine: but the divine prudence did never miraculouſly exert it ſelf, except to bear witneſs to the truth, and to give authority to thoſe that announced it. If therefore the glory of this popular government was miracuouſly ſupported by a more than human prudence, it was good in it ſelf; the miracles done in favour of it did teſtify it, and all that our author ſays againſt it is falſe and abominable.

If I lay aſide the word Miraculous, as put in by chance, 'twill be hard to know how God (who in the uſual courſe of his providence guides all things by ſuch a gentle and undiſcerned power, that they ſeem to go on of themſelves) ſhould give ſuch virtue to this popular government, and the magiſtrates bred up under it, that the greateſt monarchs of the earth were as duſt before them, unleſs there had been an excellency in their diſcipline, far ſurpaſſing that of their enemies; or how that can be called ill in its principle, and ſaid to comprehend no good, which God did ſo gloriouſly ſupport, and no man was ever able to reſiſt. This cannot be better anſwer'd than by our author's citation, " Suis & ipſa Roma viribus " ruit;" That city which had overthrown the greateſt powers of the world muſt, in all appearance, have laſted for ever, if their virtue and diſcipline had not decay'd, or their forces been turned againſt themſelves. If our author therefore ſays true, the greateſt good that ever befel the Romans, was the

decay of their virtue and diſcipline; and the turning of their own arms againſt themſelves, was not their ruin but their preſervation.

When they had brought the warlike nations of Italy into ſubjection, or aſſociation; often repreſſed the fury of the Gauls, Cimbri and Teutons; overthrown the wealth, power and wit of Carthage ſupported by the ſkill, induſtry, and valour of Hannibal and his brave relations; almoſt extirpated the valiant Spaniards, who would no other way be ſubdued; defeated Philip, Perſeus, Antiochus, Gentius, Syphax and Jugurtha; ſtruck an awe into Ptolomy; avoided the ſnares and poiſons of Mithridates; followed him in his flights, reveng'd his treacheries, and carried their victorious arms beyond his conquer'd kingdoms to the banks of Tygris: when neither the revolt of their Italian aſſociates, nor the rebellion of their ſlaves led by Spartacus (who in ſkill ſeems to have been equal to Hannibal, and above him in courage) could put a ſtop to their victories: when Greece had been reduced to yield to a virtue rather than a power greater than their own, we may well ſay that government was ſupported by a more than human prudence, which led them through virtue to a height of glory, power and happineſs, that till that day had been unknown to the world, and could never have been ruined, if by the decay of that virtue they had not turned their victorious arms againſt themſelves. That city was a giant that could die by no other hand than his own; like Hercules poiſon'd and driven into madneſs, after he had deſtroy'd thieves, monſters and tyrants, and found nothing on the earth able to reſiſt him. The wiſeſt of men in ancient times, looking upon this as a point of more than human perfection,

thought

thought or feigned to think, that he was deſcended from the Gods, and at his death received into their number, tho' perhaps Filmer would prefer a weak, baſe and effeminate ſlave before him. The matter will not be much different, if we adhere to the fore-mentioned ſimilitude of the athletic habit; for the danger proceeds only from the perfection of it, and he who diſlikes it, muſt commend that weakneſs and vice which may periſh, but can never be changed into any thing worſe than itſelf, as thoſe that lie upon the ground can never fall. However this fall of the Romans, which our author, ſpeaking truth againſt his will, calls their ruin, was into that which he recommends as the ordinance of God: which is as much as to ſay, that they were ruin'd when they fell from their own unnatural inventions to follow the law of God and of nature; that luxury alſo through which they fell, was the product of their felicity; and that the nations that had been ſubdued by them, had no other way of avenging their defeats, than by alluring their maſters to their own vices: this was the root of their civil wars. When that proud city found no more reſiſtance, it grew wanton.

———Sævior armis
"Luxuria incubuit, victumque ulciſcitur orbem."
LUCAN.

Honeſt poverty became uneaſy, when honours were given to ill-gotten riches. This was ſo monarchical, that a people infected with ſuch a cuſtom muſt needs fall by it. They who by vice had exhauſted their fortunes, could repair them only by bringing their country under a government that would give impunity to rapine; and ſuch as had not virtues to

deſerve advancement from the ſenate and people, would always endeavour to ſet up a man that would beſtow the honours that were due to virtue, upon thoſe who would be moſt abjectly ſubſervient to his will and intereſts. When mens minds are filled with this fury, they ſacrifice the common good to the advancement of their private concernments. This was the temper of Catiline expreſſed by Salluſt, "Luxuria principi gravis, paupertas vix à privato "toleranda*; and this put him upon that deſperate extremity to ſay, "Incendium meum ruinâ extinguam." Others in the ſame manner being filled with the ſame rage, he could not want companions in his moſt villanous deſigns. 'Tis not long ſince a perſon of the higheſt quality, and no leſs famous for learning and wit, having obſerved that the ſtate of England, as it ſtood not many years ago, and that to which it has been reduc'd ſince the year ſixty, as is thought very much by the advice and example of France, ſaid, that they now were taking a moſt cruel vengeance upon us for all the overthrows received from our anceſtors, by introducing their moſt damnable maxims, and teaching us the worſt of their vices. 'Tis not for me to determine whether this judgment was rightly made or not; for I intend not to ſpeak of our affairs: but all hiſtorians agreeing, that the change of the Roman government was wrought by ſuch means as I have mentioned; and our author acknowledging that change to have been their ruin, as in truth it was, I may juſtly conclude, that the overthrow of that government could not have been a ruin to them, but good for them, unleſs it had been good; and that the power which did ruin it, and was ſet up in the room of it, cannot have been according to the laws of God or na-

* Salluſt. bel. Catilin.

ture

ture, for they confer only that which is good, and deſtroy nothing that is ſo; but muſt have been moſt contrary to that good which was overthrown by it.

SECT. XVI.

The beſt governments of the world have been compoſed of Monarchy, Ariſtocracy, and Democracy.

OUR author's cavils concerning I know not what vulgar opinions that democracies were introduc'd to curb tyranny, deſerve no anſwer; for our queſtion is, whether one form of government be preſcribed to us by God and nature, or we are left according to our own underſtanding, to conſtitute ſuch as ſeem beſt to ourſelves. As for democracy he may ſay what pleaſes him of it; and I believe it can ſuit only with the convenience of a ſmall town accompanied with ſuch circumſtances as are ſeldom found. But this no way obliges men to run into the other extreme, in as much as the variety of forms between meer democracy and abſolute monarchy is almoſt infinite: and if I ſhould undertake to ſay, there never was a good government in the world, that did not conſiſt of the three ſimple ſpecies of monarchy, ariſtocracy and democracy, I think I might make it good. This at the leaſt is certain, that the government of the Hebrews inſtituted by God, had a judge, the great Sanhedrin, and general aſſemblies of the people: Sparta had two kings, a ſenate of twenty eight choſen men, and the like aſſemblies: all the Dorian cities had a chief magiſtrate, a ſenate, and occaſional aſſemblies: the Ionian, Athens, and others, had an Archon, the Areopagi; and all judgments concerning matters of the greateſt importance, as well as the election

of magiſtrates, were referr'd to the people. Rome in the beginning had a king and a ſenate, whilſt the election of kings, and judgments upon appeals remained in the people; afterwards conſuls repreſenting kings, and veſted with equal power, a more numerous ſenate, and more frequent meetings of the people. Venice has at this day a duke, the ſenate of the Pregadi, and the great aſſembly of the nobility, which is the whole city, the reſt of the inhabitants being only Incolæ, not Cives; and thoſe of the other cities or countries are their ſubjects, and do not participate of the government. Genoa is governed in like manner: Luca not unlike to them. Germany is at this day governed by an emperor, the princes or great lords in their ſeveral precincts, the cities by their own magiſtrates, and by general diets, in which the whole power of the nation reſides, and where the emperor, princes, nobility, and cities have their places in perſon, or by their deputies. All the northern nations, which upon the diſſolution of the Roman empire poſſeſſed the beſt provinces that had compoſed it, were under that form which is uſually called the Gothic polity: they had king, lords, commons, diets, aſſemblies of eſtates, cortez, and parliaments, in which the ſovereign powers of thoſe nations did reſide, and by which they were exerciſed. The like was practiſed in Hungary, Bohemia, Sweden, Denmark, Poland; and if things are changed in ſome of theſe places within few years, they muſt give better proofs of having gained by the change than are yet ſeen in the world, before I think myſelf obliged to change my opinion.

Some nations not liking the name of king, have given ſuch a power as kings enjoy'd in other places to one or more magiſtrates, either limited to a certain

tain time, or left to be perpetual, as beſt pleaſed themſelves: others approving the name, made the dignity purely elective. Some have in their elections principally regarded one family as long as it laſted: others conſider'd nothing but the fitneſs of the perſon, and reſerved to themſelves a liberty of taking where they pleaſed. Some have permitted the crown to be hereditary as to its ordinary courſe; but reſtrained the power, and inſtituted officers to inſpect the proceedings of kings, and to take care that the laws were not violated: of this ſort were the Ephori of Sparta, the Maires du Palais, and afterwards the conſtable of France; the Juſticia in Arragon; Rijckſhofmeiſter in Denmark; the high ſteward in England; and in all places ſuch aſſemblies as are before-mentioned under ſeveral names, who had the power of the whole nation. Some have continued long, and it may be always in the ſame form; others have changed it: ſome being incenſed againſt their kings, as the Romans exaſperated by the villanies of Tarquin, and the Tuſcans by the cruelties of Mezentius, aboliſhed the name of king: others, as Athens, Sicion, Argos, Corinth, Thebes, and the Latins, did not ſtay for ſuch extremities; but ſet up other governments when they thought it beſt for themſelves, and by this conduct prevented the evils that uſually fall upon nations, when their kings degenerate into tyrants, and a nation is brought to enter into a war by which all may be loſt, and nothing can be gained which was not their own before. The Romans took not this ſalutary courſe; the miſchief was grown up before they perceived, or ſet themſelves againſt it; and when the effects of pride, avarice, cruelty and luſt were grown to ſuch a height, that they could no longer be endured, they could not free themſelves without a war: and where-

as upon other occaſions their victories had brought them increaſe of ſtrength, territory and glory; the only reward of their virtue in this was, to be delivered from a plague they had unadviſedly ſuffered to grow up among them. I confeſs this was moſt of all to be eſteemed; for if they had been overthrown, their condition under Tarquin would have been more intolerable than if they had fallen under the power of Pyrrhus or Hannibal; and all their following proſperity was the fruit of their recover'd liberty: but it had been much better to have reformed the ſtate after the death of one of their good kings, than to be brought to fight for their lives againſt that abominable tyrant. Our author in purſuance of his averſion to all that is good, diſapproves this; and wanting reaſons to juſtify his diſlike according to the cuſtom of impoſtors and cheats, hath recourſe to the ugly terms of a Back-door, Sedition and Faction: as if it were not as juſt for a people to lay aſide their kings when they receive nothing but evil, and can rationally hope for no benefit by them, as for others to ſet them up in expectation of good from them. But if the truth be examin'd, nothing will be found more orderly than the changes of government, or of the perſons and races of thoſe that governed, which have been made by many nations. When Pharamond's grandſon ſeemed not to deſerve the crown he had worn, the French gave it to Meroveus, who more reſembled him in virtue: in proceſs of time when this race alſo degenerated, they were rejected, and Pepin advanced to the throne; and the moſt remote in blood of his deſcendants having often been preferred before the neareſt, and baſtards before the legitimate iſſue, they were at laſt all laid aſide; and the crown remains to this day in the family of Hugh Capet, on whom it was beſtow'd upon the rejection of Charles of Lorrain.

In

In like manner the Caſtilians took Don Sancho ſirnamed the brave, ſecond ſon to Alphonſo the wiſe, before Alphonſo el Deſheredado, ſon of the elder brother Ferdinand. The ſtates of Arragon preferred Martin brother to John the firſt, before Mary his daughter married to the Count de Foix, tho' females were not excluded from the ſucceſſion; and the houſe of Auſtria now enjoys that crown from Joan daughter to Ferdinand. In that and many other kingdoms, baſtards have been advanced before their legitimate brothers. Henry Count of Traſtamara, baſtard to Alphonſo the eleventh king of Caſtile, received the crown as a reward of the good ſervice he had done to his country againſt his brother Peter the cruel, without any regard had to the houſe of la Cerda deſcended from Alphonſo el Deſheredado, which to this day never enjoy'd any greater honour than that of Duke de Medina Celi. Not long after the Portugueſe conceiving a diſlike of their king Ferdinand, and his daughter married to John king of Caſtile, rejected her and her uncle by the father's ſide, and gave the crown to John a knight of Calatrava, and baſtard to an uncle of Ferdinand their king. About the beginning of this age the Swedes depoſed their king Sigiſmund for being a papiſt, and made Charles his uncle king. Divers examples of the like nature in England have been already mentioned. All theſe tranſportations of crowns were acts performed by aſſemblies of the three eſtates in the ſeveral kingdoms, and theſe crowns are to this day enjoy'd under titles derived from ſuch as were thus brought in by the depoſition or rejection of thoſe, who according to deſcent of blood had better titles than the preſent poſſeſſors. The acts therefore were lawful and good, or they can have no title at all; and they who made them, had a juſt power ſo to do.

If

If our author can draw any advantage from the reſemblance of regality that he finds in the Roman conſuls and Athenian archons, I ſhall without envy leave him the enjoyment of it; but I am much miſtaken if that do not prove my aſſertion, that thoſe governments " were compoſed of the three " ſimple ſpecies :" for if the monarchical part was in them, it cannot be denied that the ariſtocratical was in the ſenate or Areopagi, and the democratical in the people, but he ought to have remembred that if there was ſomething of monarchical in thoſe governments when they are ſaid to have been popular, there was ſomething of ariſtocratical and democratical in thoſe that were called regal; which juſtifies my propoſition on both ſides, and ſhews that the denomination was taken from the part that prevail'd; and if this were not ſo, the governments of France, Spain, and Germany might be called democracies, and thoſe of Rome and Athens monarchies, becauſe the people have a part in the one, and an image of monarchy was preſerved in the other.

If our author will not allow the caſes to be altogether equal, I think he will find no other difference, than that the conſuls and archons were regularly made by the votes of the conſenting people, and orderly reſign'd their power, when the time was expir'd for which it was given; whereas Tarquin, Dionyſius, Agathocles, Nabis, Phalaris, Cæſar, and almoſt all his ſucceſſors, whom he takes for complete monarchs, came in by violence, fraud, and corruption, by the help of the worſt men, by the ſlaughter of the beſt, and moſt commonly (when the method was once eſtabliſh'd) by that of his predeceſſor, who, if our author ſay true, was the father of his country and his alſo. This was the root and foundation of the only government that deſerves praiſe: this is that which ſtampt the divine

character

character upon Agathocles, Dionyſius and Cæſar, and that had beſtow'd the ſame upon Manlius, Marius, or Catiline, if they had gain'd the monarchies they affected. But I ſuppoſe that ſuch as God has bleſs'd with better judgment, and a due regard to juſtice and truth, will ſay, that all thoſe who have attained to ſuch greatneſs as deſtroys all manner of good in the places where they have ſet up themſelves by the moſt deteſtable villanies, came in by a back-door; and that ſuch magiſtrates as were orderly choſen by a willing people, were the true ſhepherds who came in by the gate of the ſheepfold, and might juſtly be called the miniſters of God, ſo long as they performed their duty in providing for the good of the nations committed to their charge.

SECT. XVII.

Good governments admit of changes in the ſuperſtructures, whilſt the foundations remain unchangeable.

IF I go a ſtep farther, and confeſs the Romans made ſome changes in the outward form of their government, I may ſafely ſay they did well in it, and proſper'd by it. After the expulſion of the kings, the power was chiefly in the nobility, who had been leaders of the people; but it was neceſſary to humble them, when they began to preſume too much upon the advantages of their birth; and the city could never have been great, unleſs the plebeians who were the body of it, and the main ſtrength of their armies, had been admitted to a participation of honours. This could not be done at the firſt: they who had been ſo vilely oppreſt by Tarquin, and haraſs'd with making or cleanſing ſinks, were not then fit for magiſtracies, or the command of armies; but they could not juſtly be excluded from them, when

when they had men who in courage and conduct were equal to the beſt of the patricians; and it had been abſurd for any man to think it a diſparagement to him to marry the daughter of one whom he had obey'd as dictator or conſul, and perhaps follow'd in his triumph. Rome that was conſtituted for war, and ſought its grandeur by that means, could never have arriv'd to any conſiderable height, if the people had not been exerciſed in arms, and their ſpirits raiſed to delight in conqueſts, and willing to expoſe themſelves to the greateſt fatigues and dangers to accompliſh them. Such men as theſe were not to be uſed like ſlaves, or oppreſt by the unmerciful hand of uſurers. They who by their ſweat and blood were to defend and enlarge the territories of the ſtate, were to be convinced they fought for themſelves; and they had reaſon to demand a magiſtracy of their own, veſted with a power that none might offend, to maintain their rights, and to protect their families, whilſt they were abroad in the armies. Theſe were the tribunes of the people, made, as they called it, Sacroſancti or inviolable; and the creation of them was the moſt conſiderable change that happened till the time of Marius, who brought all into diſorder. The creation or abolition of military tribunes with conſular power, ought to be accounted as nothing; for it imported little whether that authority were exerciſed by two, or by five: that of the Decemviri was as little to be regarded, they were intended only for a year; and tho' new ones were created for another, on pretence that the laws they were to frame could not be brought to perfection in ſo ſhort a time, yet they were ſoon thrown down from the power they uſurped, and endeavoured to retain contrary to law: the creation of the dictators was no novelty, they were made occaſionally from the beginning

beginning, and never otherwiſe than occaſionally, till Julius Cæſar ſubverted all order, and invading that ſupreme magiſtracy by force *, uſurped the right which belong'd to all. This indeed was a mortal change even in root and principle. All other magiſtrates had been created by the people for the public good, and always were within the power of thoſe that had created them. But Cæſar coming in by force, ſought only the ſatisfaction of his own raging ambition, or that of the ſoldiers, whom he had corrupted to deſtroy their country; and his ſucceſſors governing for themſelves by the help of the like raſcals, perpetually expoſed the empire to be ravaged by them. But whatever opinion any man may have of the other changes, I dare affirm, there are few or no monarchies (whoſe hiſtories are ſo well known to us as that of Rome) which have not ſuffer'd changes incomparably greater and more miſchievous than thoſe of Rome whilſt it was free. The Macedonian monarchy fell into pieces immediately after the death of Alexander: 'tis thought he periſhed by poiſon: his wives, children and mother, were deſtroyed by his own captains: the beſt of thoſe who had eſcaped his fury, fell by the ſword of each other. When the famous Argyraſpides might have expected ſome reward of their labours, and a little reſt in old age, they were maliciouſly ſent into the eaſt by Antigonus to periſh by hunger and miſery, after he had corrupted them to betray Eumenes. No better fate attended the reſt; all was in confuſion, every one follow'd whom he pleaſed, and all of them ſeemed to be filled with ſuch a rage that they never ceaſed from mutual ſlaughters till they were conſumed; and their kingdoms continued in perpetual wars againſt each other, till they all fell under

* Jura omnium in ſe traxit. *Suet.*

the Roman power. The fortune of Rome was the ſame after it became a monarchy: treachery, murder and fury, reigned in every part; there was no law but force; he that could corrupt an army, thought he had a ſufficient title to the empire: by this means there were frequently three or four, and at one time thirty ſeveral pretenders, who called themſelves emperors; of which number he only reigned that had the happineſs to deſtroy all his competitors; and he himſelf continued no longer than till another durſt attempt the deſtruction of him and his poſterity. In this ſtate they remained, till the waſted and bloodleſs provinces were poſſeſs'd by a multitude of barbarous nations. The kingdoms eſtabliſhed by them enjoy'd as little peace or juſtice; that of France was frequently divided into as many parts as the kings of Meroveus or Pepin's race had children, under the names of the kingdoms of Paris, Orleans, Soiſſons, Arles, Burgundy, Auſtraſia, and others: theſe were perpetually vexed by the unnatural fury of brothers or neareſt relations, whilſt the miſerable nobility and people were obliged to fight upon their fooliſh quarrels, till all fell under the power of the ſtrongeſt. This miſchief was in ſome meaſure cured by a law made in the time of Hugh Capet, that the kingdom ſhould no more be divided: But the Appannages, as they call them, granted to the king's brothers, with the ſeveral dukedoms and earldoms erected to pleaſe them and other great lords, produced frequently almoſt as bad effects. This is teſtified by the deſperate and mortal factions, that went under the names of Burgundy and Orleans, Armagnac and Orleans, Montmorency and Guiſe: theſe were followed by thoſe of the league, and the wars of the Huguenots: they were no ſooner finiſh'd by the taking of Rochel, but new ones began by the

the intrigues of the duke of Orleans, brother to Lewis the thirteenth, and his mother; and purſued with that animoſity by them, that they put themſelves under the protection of Spain: to which may be added, that the houſes of Condé, Soiſſons, Montmorency, Guiſe, Vendoſme, Angouleme, Bouillon, Rohan, Longueville, Rochfocault, Epernon, and I think I may ſay every one that is of great eminency in that kingdom, with the cities of Paris, Bourdeaux, and many others, in the ſpace of theſe laſt fifty years, have ſided with the perpetual enemies of their own country.

Again, other great alterations have happened within the ſame kingdom: the races of kings four times wholly changed: five kings depoſed in leſs than one hundred and fifty years after the death of Charles the great: the offices of Maire du Palais, and conſtable, erected and laid aſide: the great dukedoms and earldoms, little inferior to ſovereign principalities, eſtabliſh'd and ſuppreſs'd: the deciſion of all cauſes, and the execution of the laws, placed abſolutely in the hands of the nobility, their deputies, ſeneſchals, or vice-ſeneſchals, and taken from them again: parliaments ſet up to receive appeals from the other courts, and to judge ſovereignly in all caſes expreſly to curb them: the power of theſe parliaments, after they had cruſhed the nobility, brought ſo low, that within the laſt twenty years they are made to regiſter, and give the power of laws, to edicts, of which the titles only are read to them; and the general aſſemblies of eſtates, that from the time of Pepin had the power of the nation in their hands, are now brought to nothing, and almoſt forgotten.

Tho' I mention theſe things, 'tis not with a deſign of blaming them, for ſome of them deſerve it not;

and it ought to be conſider'd that the wiſdom of man is imperfect, and unable to forſee the effects that may proceed from an infinite variety of accidents, which according to emergencies, neceſſarily require new conſtitutions, to prevent or cure the miſcihefs ariſing from them, or to advance a good that at the firſt was not thought on: and as the nobleſt work in which the wit of man can be exerciſed, were (if it could be done) to conſtitute a government that ſhould laſt for ever, the next to that is to ſuit laws to preſent exigencies, and ſo much as is in the power of man to foreſee: and he that ſhould reſolve to perſiſt obſtinately in the way he firſt entered upon, or to blame thoſe who go out of that in which their fathers had walked, when they find it neceſſary, does as far as in him lies, render the worſt of errors perpetual. Changes therefore are unavoidable, and the wit of man can go no farther than to inſtitute ſuch, as in relation to the forces, manners, nature, religion or intereſts of a people and their neighbours, are ſuitable and adequate to what is ſeen, or apprehended to be ſeen: and he who would oblige all nations at all times to take the ſame courſe, would prove as fooliſh as a phyſician who ſhould apply the ſame medicine to all diſtempers, or an architect that would build the ſame kind of houſe for all perſons, without conſidering their eſtates, dignities, the number of their children or ſervants, the time or climate in which they live, and many other circumſtances; or, which is, if poſſible, more ſottiſh, a general who ſhould obſtinately reſolve always to make war in the ſame way, and to draw up his army in the ſame form, without examining the nature, number, and ſtrength of his own and his enemies forces, or the advantages and diſadvantages of the ground. But as there may be

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ſome univerſal rules in phyſic, architecture and military diſcipline, from which men ought never to depart; ſo there are ſome in politicks alſo which ought always to be obſerved: and wiſe legiſlators adhering to them only, will be ready to change all others as occaſion may require, in order to the public good. This we may learn from Moſes, who laying the foundation of the law given to the Iſaaelites in that juſtice, charity and truth, which having its root in God is ſubject to no change, left them the liberty of having judges or no judges, kings or no kings, or to give the ſovereign power to high prieſts or captains, as beſt pleaſed themſelves; and the miſchiefs they afterwards ſuffer'd, proceeded not ſimply from changing, but changing for the worſe. The like judgment may be made of the alterations that have happen'd in other places. They who aim at the public good, and wiſely inſtitute means proportionable and adequate to the attainment of it, deſerve praiſe; and thoſe only are to be diſlik'd, who either fooliſhly or maliciouſly ſet up a corrupt private intereſt in one or a few men. Whoſoever therefore would judge of the Roman changes, may ſee, that in expelling the Tarquins, creating conſuls, abating the violence of uſurers, admitting Plebeians to marry with the Patricians, rendring them capable of magiſtracies, deducing colonies, dividing lands gained from their enemies, erecting tribunes to defend the rights of the commons, appointing the decemviri to regulate the law, and abrogating their power when they abuſed it, creating dictators and military tribunes with a conſular power, as occaſions requir'd; they acted in the face of the ſun for the good of the public; and ſuch acts having always produced effects ſuitable to the rectitude of their intentions, they conſequently deſerve praiſe. But when another princip e

began to govern, all things were changed in a very different manner: evil deſigns, tending only to the advancement of private intereſts, were carried on in the dark by means as wicked as the end. If Tarquin when he had a mind to be king, poiſon'd his firſt wife and his brother, contracted an inceſtuous marriage with his ſecond by the death of her firſt huſband, murder'd her father and the beſt men in Rome, yet Cæſar did worſe: he favour'd Catiline and his villanous aſſociates; bribed and corrupted magiſtrates; conſpir'd with Craſſus and Pompey; continued in the command of an army beyond the time preſcribed by law, and turned the arms with which he had been entruſted for the ſervice of the commonwealth, to the deſtruction of it; which was rightly repreſented by his dream, that he had conſtrupated his mother: In the like manner when Octavius, Antonius and Lepidus, divided the empire, and then quarrelled among themſelves; and when Galba, Otho, Vitellius and Veſpaſian ſet up parties in ſeveral provinces, all was managed with treachery, fraud and cruelty; nothing was intended but the advancement of one man, and the recompence of the villains that ſerved him: and when the empire had ſuffered infinite calamities by pulling down or rejecting one, and ſetting up another, it was for the moſt part difficult to determine who was the worſt of the two, or whether the prevailing ſide had gained or loſt by their victory. The queſtion therefore upon which a judgment may be made to the praiſe or diſpraiſe of the Roman government, before or after the loſs of their liberty, ought not to be, whether either were ſubject to changes, for neither they nor any thing under the ſun was ever exempted from them; but whether the changes that happened after the eſtabliſhment of abſolute power in the emperors,

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did not ſolely proceed from ambition, and tend to the public ruin: whereas thoſe alterations related by our author concerning conſuls, dictators, decemviri, tribunes and laws, were far more rare, leſs violent, tending to, and procuring the public good, and therefore deſerving praiſe. The like having been proved by the examples of other kingdoms, and might be farther confirmed by many more, which on account of brevity I omit, is in my opinion ſufficient to manifeſt, that whilſt the foundation and principle of a government remains good, the ſuperſtructures may be changed according to occaſions, without any prejudice to it.

SECT. XVIII.

Xenophon in blaming the diſorders of Democracies, favours Ariſtocracies, not Monarchies.

IN the next place our author introduces Xenophon, "diſallowing popular governments: cites Rome and Athens as places "where the beſt "men thriv'd worſt, and the worſt beſt;" and condemns the Romans for making it capital to paſs ſentence "of death, baniſhment, loſs of liberty, or "ſtripes upon any citizen of Rome." But leſt his fraud in this ſhould be detected, he cites no preciſe paſſage of any author, alledges few examples, and thoſe miſtaken; never tells us what that law was, when made, or where to be found; whereas I hope to prove, that he has upon the whole matter abominably prevaricated, and advanced things that he knows to be either impertinent or falſe.

1. To this end we are in the firſt place to conſider, whether Xenophon ſpeaks of popular governments ſimply, or comparatively: if ſimply, 'tis confeſs'd that a pure democracy can never be good, un-

leſs for a ſmall town; if comparatively, we muſt examine to what he compares it; we are ſure it was not to abſolute monarchy; there was no ſuch thing amongſt the Greeks eſtabliſhed by law: the little tyrants who had enſlaved their own countries, as Jaſon, Phæreus, Phalaris, and the like, had no pretence to it, and were accounted as the worſt of beaſts: none but ſuch as in all beſtiality were like to them, did ever ſpeak or think well of them: Xenophon's opinion in this point, may be eaſily found out by what paſs'd between his maſter Plato and the Sicilian tyrant; and the matter will not be mended by referring to his own experience: he had ſeen the vaſt monarchy of Perſia torn in pieces by the fury of two brothers, and more than a million of men brought to fight upon their private quarrel; inſtead of that order, ſtability and ſtrength which our author aſcribes to abſolute monarchy as the effect of wiſdom and juſtice, he knew, that by filling one man with pride and cruelty, it brought unſpeakable miſeries upon all others, and infected them with all the vices that accompany ſlavery: men lived like fiſhes; the great ones devour'd the ſmall; and as appeared by Tiſſaphernes, Pharnabazus, and others with whom he had to deal, the worſt and baſeſt were made to be the greateſt: the Satrapes inſulted over thoſe of meaner rank, with an inſolence and cruelty that equal'd the depth of their ſervile ſubmiſſion to their proud maſter. Luxury and avarice reigned in all: many great nations were made to live for the ſervice of one man, and to foment his vices. This produced weakneſs and cowardice; no number of thoſe ſlaves were able to ſtand againſt a few free Grecians. No man knew this better than Xenophon, who after the death of Cyrus the younger, and the treacherous murder of Clearchus, and other

other officers that commanded the Greeks who had ſerved him, made his retreat from Babylon to the Helleſpont with ten thouſand foot, and paſſed over the bellies of all that dared to oppoſe him. He would never have ſpent his life in exciting his countrymen to attempt the conqueſt of Aſia, nor perſuaded Ageſilaus to put himſelf at the head of the enterprize, if he had thought there was ſuch admirable order, ſtability and ſtrength in that monarchy, and in the Greeks nothing but "giddineſs of ſpirit, "and ſo much learning as made them ſeditious:" nor could he, being a wiſe man and an excellent captain, have conceived ſuch a deſign, if he had not by experience found that liberty inſpir'd his countrymen with ſuch ſolid virtue, and produced ſuch ſtability, good order and ſtrength, that with ſmall numbers of them he might hope to overthrow the vain pomp of the Barbarians, and to poſſeſs himſelf of their riches, tho' they could bring more than a hundred men to fight againſt one; which deſign being interrupted in his time by domeſtic wars, was ſoon after his death accompliſhed by Alexander.

But that Xenophon's meaning may be better underſtood, 'tis good to conſider, that he ſpoke of ſuch governments as were then in uſe among the Greeks; which tho' mixed, yet took their denomination from the prevailing part: ſo that the Dorians, who placed the power chiefly in the hands of a few choſen men, were ſaid to be governed ariſtocratically; and the Ionians giving more power to the common people, democratically: and he tho' an Ionian, either through friendſhip to Ageſilaus, converſation with the Spartans, or for other reaſons beſt known to himſelf, preferr'd the government of Sparta, or ſome other which he thought he could frame,

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and deſir'd to introduce, before that of Athens; as Cimon, Thucydides, and many other excellent men of that city are ſaid to have done: and if I acknowledge they were in the right, and that Athens was more ſubject to diſorder, and had leſs ſtability than Sparta, I think it will be of little advantage to abſolute monarchy.

2. The Athenians did baniſh ſome worthy men, and put others to death; but our author, like the devil, never ſpeaking truth, unleſs to turn it into a lie, prevaricates in his report of them. The temporary baniſhment which they called Oſtraciſm, was without hurt or diſhonour, never accounted as a puniſhment, nor intended for any other end, than to put a ſtop to the too eminent greatneſs of a man, that might prove dangerous to the city; and ſome excellent perſons who fell under it, were ſoon recalled and brought home with glory. But I am not ſolicitous whether that reaſon be ſufficient to juſtify it or not: we are upon a general theſis relating to the laws of God and nature; and if the Athenians, by a fancy of their own, did make an imprudent uſe of their liberty, it cannot prejudice the public cauſe. They who make the worſt of it can only ſay, that by ſuch means they, for a time, deprived themſelves of the benefits they might have received from the virtues of ſome excellent men, to the hurt of none but themſelves; and the application of it as an injuſtice done to Themiſtocles is abſolutely falſe: He was a man of great wit, induſtry and valour *, but of uncertain faith, too much addicted to his own intereſt, and held a moſt dangerous correſpondence with the Perſians, who then threatned the deſtruction of Greece. Through envy and ſpite to Ariſtides, and to increaſe his own power, he raiſed

* Plut. in vita Themiſt.

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dangerous factions in the city; and being ſummoned to render an account of his proceedings, he declined the judgment of his country, fled to their enemies, and juſtly deſerved the ſentence pronounc'd againſt him. Some among them were unjuſtly put to death, and above all Socrates; but the people, who, deceived by falſe witneſſes, (againſt whom neither the laws of God or man have ever preſcrib'd a ſufficient defence) had condemned him, did ſo much lament their crime, when the truth was diſcovered to them, that I doubt whether a more righteous judgment had given better teſtimony of their righteous intentions. But our author's impudence appears in the higheſt exceſs, in imputing the death of Phocion to the popular ſtate of Athens: their forces had been broken in the Sicilian war; the city taken, and the principal men ſlain by Lyſander; the remains of the moſt worthy deſtroy'd by the thirty tyrants ſet up by him; their ill-recovered liberty overthrown by the Macedonians, and the death of Phocion compaſſed by Polyperchon, who with foreign ſoldiers, ſlaves, vagabonds, and outlaws, overpower'd the people.

The proceedings of Rome may be more completely juſtified: Coriolanus was duly condemn'd, he ſet too great a price upon his own valour, and arrogated to himſelf a power in Rome, which would hardly have been endur'd in Corioli: his violence and pride overbalanced his ſervices; and he that would ſubmit to no law, was juſtly driven out from the ſociety which could ſubſiſt only by law. Quintius was not unlike him, and Manlius Capitolinus far worſe than either. Their virtues were not to be conſider'd when they departed from them. Conſideration ought to be had of human frailty, and ſome indulgence may be extended to thoſe who com-

commit errors, after having done important ſervices; but a ſtate cannot ſubſiſt, which compenſating evil actions with good, gives impunity to the moſt dangerous crimes, in remembrance of any ſervices whatever. He that does well, performs his duty, and ought always to do ſo: juſtice and prudence concur in this; and 'tis no leſs juſt than profitable that every action be conſidered by itſelf, and ſuch a reward or puniſhment allotted to it, as in nature and proportion it doth beſt deſerve.

This, as I ſuppoſe, is enough for their caſes; but relates not to thoſe of Mamercus, Camillus, Livius Salinator, and Æmilius Paulus; their virtue was complete, they were wrongfully ſentenc'd. But the beſt princes, ſenate or people that ever was in the world, by the deceit of evil men, may and have been drawn out of the way of juſtice: yet of all the ſtates that are known to us, none was ever ſo free from crimes of malice and wilful injuſtice; none was ever guilty of ſo few errors as that of Rome; and none did ever give better teſtimonies of repentance, when they were diſcovered, than the Romans did by the veneration they ſhew'd to thoſe worthy perſons, and the honours they conferr'd upon them afterwards. * Mamercus was made dictator, to repair the unjuſt mark of infamy laid upon him by the cenſors. Camillus being recall'd from his baniſhment, often enjoyed the ſame honour, and died the moſt reverenced man that had ever been in that city. Livius Salinator was not only made conſul after he had been fined, but the people (as it were to expiate the guilt of having condemn'd him) ſuffer'd that aſperity of ſpeech and manners, which might have perſuaded ſuch as had been leſs confident of his virtue and their own, that he deſir'd

* Tit. Liv.

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to be reveng'd, tho' it were with the ruin of the city. They dealt in the like manner with Paulus Æmilius, repairing the injury of a fine unduly impos'd. Their generoſity in leaving the tribunes in the forum, with their accuſation againſt Scipio Africanus, and following him to celebrate an annual ſacrifice in the capitol, in commemoration of his victory againſt Hannibal, was no leſs admirable than the greatneſs of his mind, who thought his virtue ſhould be ſo well known, that no account ought to be expected from him; which was an error proceeding from a noble root, but not to be born in a well-govern'd commonwealth. The laws that aim at the public good, make no diſtinction of perſons; and none can be exempted from the penalties of them, otherwiſe than by approved innocence, which cannot appear without a trial: he that will not bend his mind to them, ſhakes off the equality of a citizen, and uſurps a power above the law, to which no man ſubmits upon any other condition, than that none ſhould be exempted from the power of it. And Scipio being the firſt Roman that thus diſdained the power of the law, I do not know whether the prejudice brought upon the city by ſo dangerous an example, did not outweigh all the ſervices he had done: nevertheleſs the people contented with his retirement to his own houſe, and afterwards convinc'd of his innocence, would probably (if he had not died in a few months) have brought him back with the honours that fate reſerved for his aſhes.

I do not at preſent remember any other eminent men, who can be ſaid in any reſpect to have thrived ill, whilſt the people and ſenate of Rome acted freely; and if this be not ſufficient to clear the point, I deſire to know the names of thoſe worſt men that thrived

thrived beſt. If they may have been judged to thrive, who were frequently advanced to the ſupreme magiſtracies, and enjoy'd the chief honours; I find no men ſo eminent as Brutus, Publicola, Quintius Cincinnatus, and Capitolinus, the two Fabii ſirnamed Maximi, Corvinus, Torquatus, Camillus, and the like: and if theſe were the worſt men that Rome produced in thoſe ages, valour, wiſdom, induſtry in the ſervice of their country, and a moſt intire love to it muſt have been the worſt of qualities; and I preſume our author may have thought them ſo, ſince they were invincible obſtacles to the introduction of that divine monarchy which Appius Claudius the decemvir, Manlius Capitolinus. Spurius Caſſius, Sp. Melius, and ſome others may be thought to have affected.

However, theſe inſtances are not to be underſtood as they are ſimply in themſelves, but compatively with what has happen'd in other places under abſolute monarchies: for our inquiry is not after that which is perfect, well knowing that no ſuch thing is found among men; but we ſeek that human conſtitution which is attended with the leaſt, or the moſt pardonable inconveniencies. And if we find that in the ſpace of three hundred years, whilſt the ſenate, people and legally created magiſtrates governed Rome, not one worthy man was put to death, not above five or ſix condemned to fines by the beguiled people, and thoſe injuries repair'd by the moſt honourable ſatisfaction that could be given; ſo that virtue continued ever flouriſhing; the beſt men that could be found were put into the chief commands, and the city was filled with more excellent men than were ever known to be in any other place: and on the other ſide, if the emperors ſo ſoon as the government was changed, made it their buſineſs

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to deſtroy the beſt, and ſo far ſucceeded in their deſign, that they left none; and never failed to advance the worſt, unleſs it fell out as to queen Catharine de Medicis, who is ſaid never to have done any good but by miſtake, and ſome few may have proved better than was intended; it will appear, that our author's aſſertions are in the utmoſt degree falſe. Of this we need no better witneſs than Tacitus. The civil wars, and the proſcriptions upon which he touches, are juſtly to be attributed to that monarchy which was then ſetting up, the only queſtion being who ſhould be the monarch, when the liberty was already overthrown. And if any eminent men eſcaped, it was much againſt the will of thoſe who had uſurped the power: he acknowledges his hiſtories to be a continued relation of the ſlaughter of the moſt illuſtrious perſons, and that in the times of which he writes, virtue was attended with certain deſtruction. After the death of Germanicus and his eldeſt children, Valerius Aſiaticus, Seneca, Corbulo, and an infinite number more who were thought moſt to reſemble them, found this to be true at the expence of their lives: Nero, in purſuance of the ſame tyrannical deſign, murder'd Helvidius and Thraſeas, that he might "tear up virtue "by the roots *:" Domitian ſpared none willingly that had either virtue or reputation; and tho' Trajan, with perhaps ſome other, might grow up under him in the remote provinces, yet no good man could eſcape who came under his eye, and was ſo eminent as to be obſerved by him. Whilſt theſe, who were thought to be the beſt men that appear'd in the Roman empire, did thrive in this manner, Sejanus, Macro, Narciſſus, Pallas, Tigillinus, Icetus, Vinnius, Laco, and others like to them,

* Ipſam exſcindere virtutem. *Tacit.*

had

had the power of the empire in their hands. Therefore, unleſs mankind has been miſtaken to this day, and that theſe, who have hitherto been accounted the worſt of villains, were indeed the beſt men in the world, and that thoſe deſtroy'd by them, who are thought to have been the beſt, were truly the worſt, it cannot be denied that the beſt men, during the liberty of Rome, thrived beſt; that good men ſuffer'd no indignity, unleſs by ſome fraud impoſed upon the well-meaning people; and that ſo ſoon as the liberty was ſubverted, the worſt men thrived beſt. The beſt men were expoſed to ſo many calamities and ſnares, that it was thought a matter of great wonder to ſee a virtuous man die in his bed: and if the account were well made, I think it might appear, that every one of the emperors before Titus ſhed more noble and innocent blood than Rome and all the commonwealths in the world have done whilſt they had the free enjoyment of their own liberty. But if any man in favour of our author ſeek to diminiſh this vaſt diſproportion between the two differing ſorts of government, and impute the diſorders that happen'd in the time of the Gracchi, and others, whilſt Rome was ſtruggling for her liberty, to the government of a commonwealth, he will find them no more to be compar'd with thoſe that fell out afterwards, than the railings of a turbulent tribune againſt the ſenate, to the villanies and cruelties that corrupted and diſpeopled the provinces from Babylon to Scotland: and whereas the State never fail'd to recover from any diſorders, as long as the root of liberty remain'd untouch'd, and became more powerful and glorious than ever, even after the wars of Marius and Sylla; when that was deſtroy'd, the city fell into a languiſhing condition, and grew

weaker and weaker, till that and the whole empire was ruin'd by the barbarians.

3. Our author, to ſhew that his memory is as good as his judgment, having repreſented Rome in the times of liberty as a public ſlaughter-houſe, ſoon after blames the clemency of their laws; whereas 'tis impoſſible that the ſame city could at the ſame time be guilty of thoſe contrary extremities; and no leſs certain, that it was perfectly free from both. His aſſertion ſeems to be grounded upon Cæſar's ſpeech (related by Saluſt*) in favour of Lentulus and Cethegus companions of Catiline: but tho' he there endeavoured to put the beſt colour he could upon their cauſe, it ſignified only thus much, that a Roman citizen could not be put to death, without being heard in public; which law will diſpleaſe none that in underſtanding and integrity may not be compared to Filmer and his followers. 'Tis a folly to extend it farther; for 'tis eaſily proved that there was always a power of putting citizens to death, and that it was exerciſed when occaſion required. The laws were the ſame in the time of the kings, and when that office was executed by conſuls, excepting ſuch changes as are already mention'd. The Lex perduellionis cited by Livy in the caſe of Horatius who had kill'd his ſiſter, continued in force from the foundation to the end of that government: the condemnation was to death, the words of the ſentence theſe, "Caput obnubito, infelici arbore "reſte ſuſpendito; verberato intra Pomærium vel "extra Pomærium†." He was tried by this law upon an appeal made to the people by his father, and abſolved "admiratione magis virtutis quam jure "cauſæ;" which could not have been, if by the law no citizen might be put to death. The ſons of Brutus were condemn'd to death in public, and exe-

* Saluſt. Bell. Catilin. † T. Liv. l. 1.

cuted with the Aquilii and Vitellii their companions in the ſame conſpiracy: Manlius Capitolinus was put to death by the vote of the people: Titus Manlius by the command of his father Torquatus, for fighting without order: two legions were decimated by Appius Claudius: Spurius Melius refuſing to appear before the dictator, was killed by Servilius Ahala general of the horſe, and pronounced Jure cæſum: Quintus Fabius was by Papirius the dictator condemn'd to die, and could not have been ſaved but by the interceſſion and authority of the people. If this be not ſo, I deſire to be informed what the ſenate meant by condemning Nero to be put to death More majorum, if More majorum no citizen might be put to death: why the conſuls, dictators, military tribunes, decemviri, cauſed rods and axes to be carried before them, as well within as without the city, if no uſe was to be made of them. Were they only vain badges of a power never to be executed; or upon whom was the ſupreme power ſignified by them to be exerciſed within and without the city, if the citizens were not ſubject to it? 'Tis ſtrange that a man who had ever read a book of matters relating to the affairs of Rome, ſhould fancy theſe things; or hope to impoſe them upon the world, if he knew them to be fooliſh, falſe, and abſurd. But of all the marks of a moſt ſupine ſtupidity that can be given by a man, I know no one equal to this of our author, who in the ſame clauſe wherein he ſays no citizen could be put to death or baniſhed, adds, that the magiſtrates were upon pain of death forbidden to do it; for if a magiſtrate might be put to death for baniſhing a citizen, or cauſing him to be executed, a citizen might be put to death; for the magiſtrates were not ſtrangers, but citizens. If this was not ſo, he muſt think that no crime was capital, but the puniſhment of capital crimes; or that no man was ſubject to the ſupreme power, but he that

was created for the execution of it. Yet even this will not ſtop the gap; for the law that condemned the magiſtrate to die, could be of no effect, if there were no man to execute it; and there could be none if the law prohibited it, or that he who did it was to die for it: and this goes on to infinity. For if a magiſtrate could not put a citizen to death, I ſuppoſe a citizen could not put to death a magiſtrate; for he alſo is a citizen. So that upon the whole matter we may conclude, that malice is blind, and that wickedneſs is madneſs. 'Tis hard to ſay more in praiſe of popular governments than will reſult from what he ſays againſt them: his reproaches are praiſes, and his praiſes reproaches. As government is inſtituted for the preſervation of the governed, the Romans were ſparing of blood, and are wiſely commended by Livy for it: "Nulli unquam populo "mitiores placuere pœnæ;" which gentleneſs will never be blamed, unleſs by thoſe who are pleaſed with nothing ſo much as the fury of thoſe monſters, who with the ruin of the beſt part of mankind, uſurp'd the dominion of that glorious city. But if the Romans were gentle in puniſhing offences, they were alſo diligent in preventing them: the excellence of their diſcipliue led the youth to virtue, and the honours they received for recompence confirmed them in it. By this means many of them became laws to themſelves; and they who were not the moſt excellent, were yet taught ſo much of good, that they had a veneration for thoſe they could not equal, which not only ſerved to incite them to do well according to their talents, but kept them in ſuch awe as to fear incurring their ill opinion by any bad action, as much as by the penalty of the law. This integrity of manners made the laws as it were uſeleſs; and whilſt they ſeemed to ſleep, ignorant

perſons thought there were none: but their diſcipline being corrupted by proſperity, thoſe vices came in which made way for the monarchy; and wickedneſs being placed in the throne, there was no ſafety for any but ſuch as would be of the ſame ſpirit, and the empire was ruined by it.

SECT. XIX.

That corruption and venality which is natural to courts, is ſeldom found in popular governments.

OUR author's next work is, with that modeſty and truth which is natural to him, to impute corruption and venality to commonwealths. He knows that monarchies are exempted from thoſe evils, and has diſcovered this truth from the integrity obſerved in the modern courts of England, France, and Spain, or the more antient of Rome and Perſia: but after many falſhoods in matter of fact, and miſrepreſentations of that which is true, he ſhews that the corruption, venality, and violence he blames, were neither the effects of liberty, nor conſiſtent with it. Cneius Manlius, who with his Aſiatc army brought in the luxury that gave birth to thoſe miſchiefs, did probably follow the looſeneſs of his own diſpoſition; yet the beſt and wiſeſt men of that time knew from the beginning that it would ruin the city, unleſs a ſtop might be put to the courſe of that evil: but they who had ſeen kings under their feet, and could no longer content themſelves with that equality which is neceſſary among citizens, fomented it as the chief means to advance their ambitious deſigns. Tho' Marius was rigid in his nature, and cared neither for money nor ſenſual pleaſures, yet he favour'd thoſe vices in others, and is ſaid to be the firſt that made uſe of them to his advantage. Cati-

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line was one of the lewdeſt men in the world, and had no other way of compaſſing his deſigns than by rendring others as bad as himſelf: and Cæſar ſet up his tyranny by ſpreading that corruption farther than the others had been able to do; and tho' he, Caligula, and ſome others were ſlain, yet the beſt men found it as impoſſible to reſtore liberty to the city when it was corrupted, as the worſt had done to ſet up a tyranny whilſt the integrity of their manners did continue. Men have a ſtrange propenſity to run into all manner of exceſſes, when plenty of means invite, and that there is no power to deter; of which the ſucceeding emperors took advantage, and knowing that even their ſubſiſtence depended upon it, they thought themſelves obliged by intereſt as well as inclination to make honours and preferments the rewards of vice: and tho' it be not always true in the utmoſt extent that all men follow the example of the king; yet it is of very great efficacy: tho' ſome are ſo good that they will not be perverted, and others ſo bad that they will not be corrected; yet a great number does always follow the courſe that is favour'd and rewarded by thoſe that govern. There were idolaters doubtleſs among the Jews in the days of David and Hezekiah; but they proſper'd better under Jeroboam and Ahab: England was not without papiſts in the time of queen Elizabeth; but they thrived much better during the reign of her furious ſiſter. Falſe witneſſes and accuſers had a better trade under Tiberius, who called them Cuſtodes Legum, than under Trajan who abhorred them; and whores, players, fidlers, with other ſuch vermin, abounded certainly more when encouraged by Nero, than when deſpiſed by Antoninus and Marcus Aurelius. But as every one of theſe manifeſted what he was by thoſe he favour'd or puniſh'd, and that a man

can only be judged by his principles or practices, he that would know whether abſolute monarchies or mixed governments do moſt foment or puniſh venality and corruption, ought to examine the principle and practice of both, and compare them one with the other.

As to the principle, the above-mentioned vices may be profitable to private men, but they can never be ſo to the government, if it be popular or mixed: no people was ever the better for that which renders them weak or baſe; and a duly created magiſtracy, governing a nation with their conſent, can have no intereſt diſtinct from that of the public, or deſire to diminiſh the ſtrength of the people, which is their own, and by which they ſubſiſt. On the other ſide, the abſolute monarch who governs for himſelf, and chiefly ſeeks his own preſervation, looks upon the ſtrength and bravery of his ſubjects as the root of his greateſt danger, and frequently deſires to render them weak, baſe, corrupt, and unfaithful to each other, that they may neither dare to attempt the breaking of the yoke he lays upon them, nor truſt one another in any generous deſign for the recovery of their liberty. So that the ſame corruption which preſerves ſuch a prince, if it were introduced by a people, would weaken, if not utterly deſtroy them.

Again all things have their continuance from a principle in nature ſuitable to their original: all tyrannies have had their beginnings from corruption. The hiſtories of Greece, Sicily, and Italy ſhew that all thoſe who made themſelves tyrants in ſeveral places, did it by the help of the worſt, and the ſlaughter of the beſt: men could not be made ſubſervient to their luſts whilſt they continued in their integrity; ſo as their buſineſs was to deſtroy thoſe who would not be corrupted, they muſt therefore endeavour

endeavour to maintain or increaſe the corruption by which they attain their greatneſs: if they fail in this point, they muſt fall as Tarquin, Piſiſtratus, and others have done; but if they ſucceed ſo far that the vicious part do much prevail, the government is ſecure, tho' the prince may be in danger. And the ſame thing doth in a great meaſure accidentally conduce to the ſafety of his perſon: for they who for the moſt part are the authors of great revolutions, not being ſo much led by a particular hatred to the man, as by a deſire to do good to the public, ſeldom ſet themſelves to conſpire againſt the tyrant, unleſs he be altogether deteſtable and intolerable, if they do not hope to overthrow the tyranny.

The contrary is ſeen in all popular and well-mixed governments: they are ever eſtabliſhed by wiſe and good men, and can never be upheld otherwiſe than by virtue: the worſt men always conſpiring againſt them, they muſt fall, if the beſt have not power to preſerve them. Whereſoever therefore a people is ſo governed, the magiſtrates will obviate afar off the introduction of vices, which tend as much to the ruin of their perſons and government, as to the preſervation of the prince and his. This is evidenced by experience. 'Tis not eaſy to name a monarch that had ſo many good qualities as Julius Cæſar, till they were extinguiſhed by his ambition, which was inconſiſtent with them: he knew that his ſtrength lay in the corruption of the people, and that he could not accompliſh his deſigns without increaſing it. He did not ſeek good men, but ſuch as would be for him; and thought none ſufficiently addicted to his intereſts, but ſuch as ſtuck at the performance of no wickedneſs that he command-

ed: he was a ſoldier according to Cæſar's heart who ſaid,

" Pectore ſi fratris gladium, juguloque parentis
" Condere me jubeas, gravidæve in viſcera partu
" Conjugis, invita peragam tamen omnia dextra."

LUCAN.

And leſt ſuch as were devoted to him ſhould grow faint in villany, he induſtriouſly inflamed their fury:

———" Vult omnia Cæſar
" A ſe ſæva peti, vult præmia Martis amari."

IBID.

Having ſpread this poiſon amongſt the ſoldiers, his next work was by corrupting the tribunes to turn the power to the deſtruction of the people, which had been erected for their preſervation; and pouring the treaſures he had gained by rapine in Gaul into the boſom of Curio, made him an inſtrument of miſchief, who had been a moſt eminent ſupporter of the laws. Tho' he was thought to have affected the glory of ſparing Cato, and with trouble to have found that he deſpiſed life when it was to be accounted his gift; yet in ſuſpecting Brutus and Caſſius, he ſhew'd he could not believe that virtuous men who loved their country could be his friends. Such as carry on the like deſigns with leſs valour, wit and generoſity of ſpirit, will always be more bitterly bent to deſtroy all that are good, knowing that the deformity of their own vices is rendered moſt manifeſt, when they are compared with the good qualities of thoſe who are moſt unlike them; and that they can never defend themſelves againſt the ſcorn and hatred they incur by their vices, unleſs ſuch a number can be infected with the ſame, and made to delight in the recompences of iniquity that foment

foment them, as may be able to keep the reſt of the people in ſubjection.

The ſame thing happens even when the uſurpation is not ſo violent as that of Agathocles, Dionyſius, or the laſt king of Denmark, who in one day by the ſtrength of a mercenary ſoldiery overthrew all the laws of his country: and a lawfully created magiſtrate is forced to follow the ſame ways as ſoon as he begins to affect a power which the laws do not confer upon him. I wiſh I could ſay there were few of theſe; but experience ſhews that ſuch a proportion of wiſdom, moderation of ſpirit, and juſtice is requir'd in a ſupreme magiſtrate, to render him content with a limited power, as is ſeldom found. Man is of an aſpiring nature, and apt to put too high a value upon himſelf; they who are raiſed above their brethren, tho' but a little, deſire to go farther; and if they gain the name of king, they think themſelves wronged and degraded, when they are not ſuffer'd to do what they pleaſe.

" Sanctitas, pietas, fides
" Privata bona ſunt: qua juvat reges eant.*"

In theſe things they never want maſters; and the nearer they come to a power that is not eaſily reſtrained by law, the more paſſionately they deſire to aboliſh all that oppoſes it: and when their hearts are filled with this fury, they never fail to chooſe ſuch miniſters as will be ſubſervient to their will: and this is ſo well known, that thoſe only approach them who reſolve to be ſo. Their intereſts as well as their inclinations incite them to diffuſe their own manners as far as they can, which is no leſs than to bring thoſe who are under their power to all

* Senec. Thyeſt.

that

that wickedneſs of which the nature of man is capable; and no greater teſtimony can be given of the efficacy of theſe means towards the utter corruption of nations, than the accurſed effects we ſee of them in our own and the neighbouring countries.

It may be ſaid that ſome princes are ſo full of virtue and goodneſs, as not to deſire more power than the laws allow, and are not obliged to chooſe ill men, becauſe they deſire nothing but what the beſt are willing to do. This may be, and ſometimes is: the nation is happy that has ſuch a king: but he is hard to find, and more than a human power is required to keep him in ſo good a way. The ſtrength of his own affections will ever be againſt him: wives, children, and ſervants will always join with thoſe enemies that ariſe in his own breaſt to pervert him: if he has any weak ſide, any luſt unſubdued, they will gain the victory. He has not ſearch'd into the nature of man, who thinks that any one can reſiſt when he is thus on all ſides aſſaulted: nothing but the wonderful and immediate power of God's ſpirit can preſerve him; and to alledge it will be nothing to the purpoſe, unleſs it can be proved that all princes are bleſſed with ſuch an aſſiſtance, or that God hath promiſed it to them and their ſucceſſors for ever, by what means ſoever they came to the crowns they enjoy.

Nothing is farther from my intention than to ſpeak irreverently of kings; and I preſume no wiſe man will think I do ſo, if I profeſs, that having obſerved as well as I can what hiſtory and daily experience teach us concerning the virtues and religions that are or have been from the beginning of the world encouraged and ſupported by monarchs, the methods they have followed ſince they have gone under the name of chriſtians, their moral as well as their theological

gical graces, together with what the ſcriptures tell us of thoſe who in the laſt days will principally ſupport the throne of antichriſt; I cannot be confident that they are generally in an extraordinary manner preſerved by the hand of God from the vices and frailties to which the reſt of mankind is ſubject. If no man can ſhew that I am in this miſtaken, I may conclude, that as they are more than any other men in the world expoſed to temptations and ſnares, they are more than any in danger of being corrupted, and made inſtruments of corrupting others, if they are no otherwiſe defended than the reſt of men.

This being the ſtate of the matter on both ſides, we may eaſily collect, that all governments are ſubject to corruption and decay; but with this difference, that abſolute monarchy is by principle led unto, or rooted in it; whereas mixed or popular governments are only in a poſſibility of falling into it: as the firſt cannot ſubſiſt, unleſs the prevailing part of the people be corrupted; the other muſt certainly periſh, unleſs they be preſerved in a great meaſure free from vices: and I doubt whether any better reaſon can be given, why there have been and are more monarchies than popular governments in the world, than that nations are more eaſily drawn into corruption than defended from it; and I think that monarchy can be ſaid to be natural in no other ſenſe, than that our depraved nature is moſt inclined to that which is worſt.

To avoid unneceſſary diſputes, I give the name of popular governments to thoſe of Rome, Athens, Sparta, and the like, tho' improperly, unleſs the ſame may alſo be given to many that are uſually called monarchies, ſince there is nothing of violence in either; the power is conferr'd upon the chief magiſtrates of both by the free conſent of a willing people,

people, and ſuch a part as they think fit is ſtill retained and executed in their own aſſemblies; and in this ſenſe it is that our author ſeems to ſpeak againſt them. As to popular government in the ſtricteſt ſenſe, (that is pure democracy, where the people in themſelves, and by themſelves, perform all that belongs to government) I know of no ſuch thing; and if it be in the world, have nothing to ſay for it. In aſſerting the liberty, generally, as I ſuppoſe, granted by God to all mankind, I neither deny, that ſo many as think fit to enter into a ſociety, may give ſo much of their power as they pleaſe to one or more men, for a time or perpetually, to them and their heirs, according to ſuch rules as they preſcribe; nor approve the diſorders that muſt ariſe if they keep it intirely in their own hands; and looking upon the ſeveral governments, which under different forms and names have been regularly conſtituted by nations, as ſo many undeniable teſtimonies, that they thought it good for themſelves and their poſterity ſo to do, I infer, that as there is no man who would not rather chooſe to be governed by ſuch as are juſt, induſtrious, valiant and wiſe, than by thoſe that are wicked, ſlothful, cowardly and fooliſh; and to live in ſociety with ſuch as are qualified like thoſe of the firſt ſort, rather than with thoſe who will be ever ready to commit all manner of villanies, or want experience, ſtrength or courage, to join in repelling the injuries that are offer'd by others: ſo there are none who do not, according to the meaſure of underſtanding they have, endeavour to ſet up thoſe who ſeem to be beſt qualified, and to prevent the introduction of thoſe vices, which render the faith of the magiſtrate ſuſpected, or make him unable to perform his duty, in providing for the execution of juſtice, and the public defence of the ſtate againſt foreign

foreign or domeſtic enemies. For as no man who is not abſolutely mad, will commit the care of a flock to a villain, that has neither ſkill, diligence, nor courage to defend them, or perhaps is maliciouſly ſet to deſtroy them, rather than to a ſtout, faithful, and wiſe ſhepherd; 'tis leſs to be imagined that any would commit the ſame error in relation to that ſociety which comprehends himſelf with his children, friends, and all that is dear to him.

The ſame conſiderations are of equal force in relation to the body of every nation: for ſince the magiſtrate, tho' the moſt perfect in his kind, cannot perform his duty, if the people be ſo baſe, vicious, effeminate and cowardly, as not to ſecond his good intentions; thoſe who expect good from him, cannot deſire ſo to corrupt their companions that are to help him, as to render it impoſſible for him to accompliſh it. Tho' I believe there have been in all ages bad men in every nation, yet I doubt whether there was one in Rome, except a Catiline or a Cæſar, who deſign'd to make themſelves tyrants, that would not rather have wiſhed the whole people as brave and virtuous as in the time of the Carthaginian wars, than vile and baſe as in the days of Nero and Domitian. But 'tis madneſs to think, that the whole body would not rather wiſh to be as it was when virtue flouriſhed, and nothing upon earth was able to reſiſt their power, than weak, miſerable, baſe, ſlaviſh, and trampled under foot by any that would invade them; and forced as a chattel to become a prey to thoſe that were ſtrongeſt. Which is ſufficient to ſhew, that a people acting according to the liberty of their own will, never advance unworthy men, unleſs it be by miſtake, nor willingly ſuffer the introduction of vices: whereas the abſolute monarch always prefers the worſt of

thoſe who are addicted to him, and cannot ſubſiſt unleſs the prevailing part of the people be baſe and vicious.

If it be ſaid, that thoſe governments in which the democratical part governs moſt, do more frequently err in the choice of men, or the means of preſerving that purity of manners which is required for the well-being of a people, than thoſe wherein ariſtocracy prevails; I confeſs it, and that in Rome and Athens the beſt and wiſeſt men did for the moſt part incline to ariſtocracy. Xenophon, Plato, Ariſtotle, Thucydides, Livy, Tacitus, Cicero, and others, were of this ſort: but if our author there ſeek patrons for his abſolute monarchy, he will find none but Phalaris, Agathocles, Dionyſius, Catiline, Cethegus, Lentulus, with the corrupted crew of mercenary raſcals, who did or endeavour'd to ſet them up. Theſe are they "quibus ex honeſto nulla eſt ſpes;" they abhor the dominion of the law, becauſe it curbs their vices, and make themſelves ſubſervient to the luſts of a man who may nouriſh them. Similitude of intereſts, manners, and deſigns, is a link of union between them: both are enemies to popular and mixed government; and thoſe governments are enemies to them, and by preſerving virtue and integrity, oppoſe both; knowing, that if they do not, they and their governments muſt certainly periſh.

SECT. XX.

Man's natural love to liberty is temper'd by reaſon, which originally is his nature.

THAT our author's book may appear to be a heap of incongruities and contradictions, 'tis not amiſs to add to what has already been obſerved, that

that having aſſerted abſolute monarchy to be " the " only natural government," he now ſays, " that " the nature of all people is to deſire liberty without " reſtraint." But if monarchy be that power which above all reſtrains liberty, and ſubjects all to the will of one; this is as much as to ſay, that all people naturally deſire that which is againſt nature; and by a wonderful exceſs of extravagance and folly to aſſert contrary propoſitions, that on both ſides are equally abſurd and falſe. For as we have already proved that no government is impoſed upon men by God or nature, 'tis no leſs evident, that man being a rational creature, nothing can be univerſally natural to him, that is not rational. But this liberty without reſtraint being inconſiſtent with any government, and the good which man naturally deſires for himſelf, children and friends, we find no place in the world where the inhabitants do not enter into ſome kind of ſociety or government to reſtrain it: and to ſay that all men deſire liberty without reſtraint, and yet that all do reſtrain it, is ridiculous. The truth is, man is hereunto led by reaſon which is his nature. Every one ſees they cannot well live aſunder, nor many together, without ſome rule to which all muſt ſubmit. This ſubmiſſion is a reſtraint of liberty, but could be of no effect as to the good intended, unleſs it were general; nor general, unleſs it were natural. When all are born to the ſame freedom, ſome will not reſign that which is their own, unleſs others do the like; this general conſent of all to reſign ſuch a part of their liberty as ſeems to be for the good of all, is the voice of nature, and the act of men (according to natural reaſon) ſeeking their own good: and if all go not in the ſame way, according to the ſame form, 'tis an evident teſtimony that no one is directed by nature; but as a

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few or many may join together, and frame ſmaller or greater ſocieties, ſo thoſe ſocieties may inſtitute ſuch an order or form of government as beſt pleaſes themſelves; and if the ends of government are obtained, they all equally follow the voice of nature in conſtituting them.

Again, if man were by nature ſo tenacious of his liberty without reſtraint, he muſt be rationally ſo. The creation of abſolute monarchies, which entirely extinguiſhes it, muſt neceſſarily be moſt contrary to it, tho' the people were willing; for they thereby abjure their own nature. The uſurpation of them can be no leſs than the moſt abominable and outragious violation of the laws of nature that can be imagined: the laws of God muſt be in the like meaſure broken; and of all governments, democracy, in which every man's liberty is leaſt reſtrained, becauſe every man hath an equal part, would certainly prove to be the moſt juſt, rational and natural; whereas our author repreſents it as a perpetual ſpring of diſorder, confuſion and vice. This conſequence would be unavoidable, if he ſaid true; but it being my fate often to differ from him, I hope to be excuſed if I do ſo in this alſo, and affirm, that nothing but the plain and certain dictates of reaſon can be generally applicable to all men as the law of their nature; and they who, according to the beſt of their underſtanding, provide for the good of themſelves and their poſterity, do all equally obſerve it. He that enquires more exactly into the matter may find, that reaſon enjoins every man not to arrogate to himſelf more than he allows to others, nor to retain that liberty which will prove hurtful to him; or to expect that others will ſuffer themſelves to be reſtrain'd, whilſt he, to their prejudice, remains in the exerciſe of that freedom which nature allows.

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He who would be exempted from this common rule, muſt ſhew for what reaſon he ſhould be raiſed above his brethren; and if he do it not, he is an enemy to them. This is not popularity, but tyranny; and tyrants are ſaid Exuiſſe hominem, to throw off the nature of men, becauſe they do unjuſtly and unreaſonably aſſume to themſelves that which agrees not with the frailty of human nature, and ſet up an intereſt in themſelves contrary to that of their equals, which they ought to defend as their own. Such as favour them are like to them; and we know of no tyranny that was not ſet up by the worſt, nor of any that have been deſtroy'd, unleſs by the beſt of men. The ſeveral tyrannies of Syracuſe were introduced by Agathocles, Dionyſius, Hieronymus, Hippocrates, Epicides, and others, by the help of lewd, diſſolute mercenary villains; and overthrown by Timoleon, Dion, Theodorus, and others, whoſe virtues will be remembred in all ages. Theſe, and others like to them, never ſought liberty without reſtraint, but ſuch as was reſtrained by laws tending to the public good; that all might concur in promoting it, and the unruly deſires of thoſe who affected power and honours which they did not deſerve might be repreſſed.

The like was ſeen in Rome: when Brutus, Valerius, and other virtuous citizens had thrown out the lewd Tarquins, they truſted to their own innocence and reputation; and thinking them ſafe under the protection of the law, contented themſelves with ſuch honours as their countrymen thought they deſerved. This would not ſatisfy the diſſolute crew that us'd to be companions to the Tarquins. "So-"dales adoleſcentium Tarquiniorum aſſueti more "regio vivere, eam tum æquato jure omnium "licentiam quærentes libertatem aliorum in ſuam

" vertiſſe ſervitutem conquerebantur. Regem ho-
" minem eſſe, à quo impetres ubi jus, ubi injuria
" opus ſit. Eſſe gratiæ locum, eſſe beneficio: &
" iraſci & ignoſcere poſſe. Leges rem ſurdam eſſe
" & inexorabilem, ſalubriorem inopi quam potenti:
" nihil laxamenti nec veniæ habere, ſi modum ex-
" ceſſeris: periculoſum eſſe in tot humanis errori-
" bus ſola innocentia vivere *." I cannot ſay that either of theſe ſought a liberty without reſtraint; for the virtuous were willing to be reſtrained by the law, and the vicious to ſubmit to the will of a man, to gain impunity in offending. But if our author ſay true, the licentious fury of theſe lewd young men, who endeavour'd to ſubvert the conſtitution of their country, to procure the impunity of their own crimes would have been more natural, that is more reaſonable than the orderly proceedings of the moſt virtuous, who deſir'd that the law might be the rule of their actions, which is moſt abſurd.

The like vicious wretches have in all times endeavoured to put the power into the hands of one man, who might protect them in their villanies, and advance them to exorbitant riches or undeſerved honours; whilſt the beſt men truſting in their innocence, and deſiring no other riches or preferments, than what they were by their equals thought to deſerve, were contented with a due liberty, under the protection of a juſt law: and I muſt tranſcribe the hiſtories of the world, or at leaſt ſo much of them as concerns the tyrannies that have been ſet up or caſt down, if I ſhould here inſert all the proofs that might be given of it. But I ſhall come nearer to the point, which is not to compare democracy with monarchy, but a regular mixed government with ſuch an abſolute monarchy, as leaves all to the will of that man, woman, or child, who happens to be

* T. Liv. l. 2.

born

born in the reigning family, how ill ſoever they may be qualified. I deſire thoſe who are lovers of truth to conſider, whether the wiſeſt, beſt, and braveſt of men, are not naturally led to be pleaſed with a government that protects them from receiving wrong, when they have not the leaſt inclination to do any? Whether they who deſire no unjuſt advantage above their brethren, will not always deſire that a people or ſenate conſtituted as that of Rome, from the expulſion of Tarquin to the ſetting up of Cæſar, ſhould rather judge of their merit, than Tarquin, Cæſar, or his ſucceſſors? or whether the lewd or corrupted pretorian bands, with Macro, Sejanus, Tigellinus, and the like, commanding them, will not ever, like Brutus his ſons, abhor the inexorable power of the laws, with the neceſſity of living only by their innocence, and favour the intereſt of princes like to thoſe that advanced them? If this be not ſufficient, they may be pleaſed a little to reflect upon the affairs of our own country, and ſeriouſly conſider whether H--de, Cl--f- d, F-lm th, Arl-ng-n and D--nby, could have pretended to the chief places, if the diſpoſal of them had been in a free and well-regulated parliament? Whether they did moſt reſemble Brutus, Publicola, and the reſt of the Valerii, the Fabii, Quintii, Cornelii, &c. or Narciſſus, Pallas, Icetus, Laco, Vinnius, and the like? Whether all men, good and bad, do not favour that ſtate of things, which favours them and ſuch as they are? Whether Cl-v-l-d, P-rtſm-th, and others of the ſame trade, have attained to the riches and honours they enjoy by ſervices done to the commonwealth? And what places Chiffinch, F--x and Jenkins, could probably have attained if our affairs had been regulated as good men deſire? Whether the old arts of begging, ſtealing and bawl-

ing, or the new ones of informing and trepanning, thrive beſt under one man who may be weak or vicious, and is always ſubject to be circumvented by flatterers, or under the ſevere ſcrutinies of a ſenate or people? In a word, whether they who live by ſuch arts, and know no other, do not always endeavour to advance the government under which they enjoy, or may hope to obtain the higheſt honours, and abhor that, in which they are expoſed to all manner of ſcorn and puniſhment? Which being determined, it will eaſily appear why the worſt men have ever been for abſolute monarchy, and the beſt againſt it; and which of the two in ſo doing can be ſaid to deſire an unreſtrained liberty of doing that which is evil.

SECT. XXI.

Mixed and popular governments preſerve peace, and manage wars, better than abſolute monarchies.

BEING no way concerned in the defence of democracy; and having proved that Xenophon, Thucydides, and others of the antients, in ſpeaking againſt the over great power of the common people, intended to add reputation to the ariſtocratical party to which they were addicted, and not to ſet up abſolute monarchy, which never fell under diſcourſe among them, but as an object of ſcorn and hatred, evil in itſelf, and only to be endured by baſe and barbarous people, I may leave our knight, like Don Quixote, fighting againſt the phantaſms of his own brain, and ſaying what he pleaſes againſt ſuch governments as never were, unleſs in ſuch a place as San Marino near Sinigaglia in Italy, where a hundred clowns govern a barbarous rock that no man invades, and relates nothing to our queſtion.

If his doctrine be true, the monarchy he extols is not only to be preferred before unruly democracy, and mixed governments, but is the only one that, without a groſs violation of the laws of God and nature, can be eſtabliſhed over any nation. But having, as I hope, ſufficiently proved, that God did neither inſtitute, nor appoint any ſuch to be inſtituted, nor approve thoſe that were; that nature does not incline us to it, and that the beſt as well as the wiſeſt men have always abhorr'd it; that it has been agreeable only to the moſt ſtupid and baſe nations; and if others have ſubmitted to it, they have done ſo only as to the greateſt of evils brought upon them by violence, corruption or fraud; I may now proceed to ſhew that the progreſs of it has been in all reſpects ſuitable to its beginning.

To this end 'twill not be amiſs to examine our author's words: "Thus, ſays he, do they paint to "the life this beaſt with many heads: let me give "the cypher of their form of government: as it is "begot by ſedition, ſo it is nouriſhed by crimes: "it can never ſtand without wars, either with an "enemy abroad, or with friends at home;" and in order to this I will not criticize upon the terms, tho' the cypher of a form, and war with friends, may be juſtly called nonſenſe; but coming to his aſſertions, that popular or mixed governments have their birth in ſedition, and are ever afterwards vexed with civil or foreign wars, I take liberty to ſay, that whereas there is no form appointed by God or nature, thoſe governments only can be called juſt, which are eſtabliſhed by the conſent of nations. Theſe nations may at the firſt ſet up popular or mixed governments, and without the guilt of ſedition introduce them afterwards, if that which was firſt eſtabliſhed prove unprofitable or hurtful to them; and

thoſe that have done ſo, have enjoy'd more juſtice in times of peace, and managed wars, when occaſion requir'd, with more virtue and better ſucceſs, than any abſolute monarchies have done. And whereas he ſays, that " in popular governments " each man hath a care of his particular, and " thinks baſely of the common good; they look " upon approaching miſchiefs as they do upon " thunder, only every man wiſheth it may not " touch his own perſon:" I ſay that men can no otherwiſe be engaged to take care of the public, than by having ſuch a part in it, as abſolute monarchy does not allow; for they can neither obtain the good for themſelves, poſterity and friends, that they deſire, nor prevent the miſchiefs they fear, which are the principal arguments that perſuade men to expoſe themſelves to labours or dangers. 'Tis a folly to ſay, that the vigilance and wiſdom of the monarch ſupplies the defect of care in others; for we know that no men under the ſun were ever more void of both, and all manner of virtue requir'd to ſuch a work, than very many monarchs have been: and, which is yet worſe, the ſtrength and happineſs of the people being frequently dangerous to them, they have not ſo much as the will to promote it; nay, ſometimes ſet themſelves to deſtroy it. Antient monarchies afford us frequent examples of this kind; and if we conſider thoſe of France and Turky, which ſeem moſt to flouriſh in our age, the people will appear to be ſo miſerable under both, that they cannot fear any change of governor or government; and all, except a few miniſters, are kept ſo far from the knowledge of, or power in the management of affairs, that if any of them ſhould fancy a poſſibility of ſomething that might befal them worſe than what they ſuffer,

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or hope for that which might alleviate their miſery, they could do nothing towards the advancement of the one, or prevention of the other. Tacitus obſerves, that in his time no man was able to write what paſſed, "Inſcitia reipublicæ ut alienæ.*" They neglected the public affairs in which they had no part. In the ſame age it was ſaid, that the people, who whilſt they fought for their own intereſts, had been invincible, being enſlaved, were grown ſordid, idle, baſe, running after ſtage-plays and ſhows; ſo as the whole ſtrength of the Roman armies conſiſted of ſtrangers. When their ſpirits were depreſſed by ſervitude, they had neither courage to defend themſelves, nor will to fight for their wicked maſters; and leaſt of all to increaſe their power, which was deſtructive to themſelves: the ſame thing is found in all places. Tho' the Turk commands many vaſt provinces, that naturally produce as good ſoldiers as any, yet his greateſt ſtrength is in children that do not know their fathers; who not being very many in number, may periſh in one battle, and the empire by that means be loſt, the miſerable nations that groan under that tyranny having neither courage, power, nor will to defend it. This was the fate of the Mamalukes. They had for the ſpace of almoſt two hundred years domineer'd in Egypt, and a great part of Aſia; but the people under them being weak and diſaffected, they could never recover the defeat they received from Selim near Tripoli, who purſuing his victory, in a few months utterly aboliſhed their kingdom.

Notwithſtanding the preſent pride of France, the numbers and warlike inclinations of that people, the bravery of the nobility, extent of dominion, convenience of ſituation, and the vaſt revenues of their king, his greateſt advantages have been gain d

* Tacit. An. l. 1.

by the miſtaken counſels of England, the valour of our ſoldiers unhappily ſent to ſerve him, and the ſtrangers of whom the ſtrength of his armies conſiſts; which is ſo unſteady a ſupport, that many who are well verſed in affairs of this nature, incline to think he ſubſiſts rather by little arts, and corrupting miniſters in foreign courts, than by the power of his own armies; and that ſome reformation in the counſels of his neighbours might prove ſufficient to overthrow that greatneſs which is grown formidable to Europe; the ſame miſery to which he has reduced his people, rendring them as unable to defend him, upon any change of fortune, as to defend their own rights againſt him.

This proceeds not from any particular defect in the French government, but that which is common to all abſolute monarchies. And no ſtate can be ſaid to ſtand upon a ſteady foundation, except thoſe whoſe ſtrength is in their own ſoldiery, and the body of their own people. Such as ſerve for wages, often betray their maſters in diſtreſs, and always want the courage and induſtry which is found in thoſe who fight for their own intereſts, and are to have a part in the victory. The buſineſs of mercenaries is ſo to perform their duty, as to keep their employments, and to draw profit from them; but that is not enough to ſupport the ſpirits of men in extreme dangers. The ſhepherd who is an hireling, flies when the thief comes; and this adventitious help failing, all that a prince can reaſonably expect from a diſaffected and oppreſſed people is, that they ſhould bear the yoke patiently in the time of his proſperity; but upon the change of his fortune, they leave him to ſhift for himſelf, or join with his enemies to avenge the injuries they had received. Thus did Alphonſo and Ferdinand kings of Naples, and

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Lodovico Sforza duke of Milan fall, in the times of Charles the eighth and Louis the twelfth kings of France. The two firſt had been falſe, violent, and cruel; nothing within their kingdom could oppoſe their fury: but when they were invaded by a foreign power, they loſt all, as Guicciardin ſays, without breaking one lance; and Sforza was by his own mercenary ſoldiers delivered into the hands of his enemies.

I think it may be hard to find examples of ſuch as proceeding in the ſame way have had better ſucceſs: but if it ſhould ſo fall out, that a people living under an abſolute monarchy, ſhould through cuſtom or fear of ſomething worſe (if that can be) not only ſuffer patiently, but deſire to uphold the government; neither the nobility, nor commonalty can do any thing towards it. They are ſtrangers to all public concernments: all things are govern'd by one or a few men, and others know nothing either of action or counſel. Filmer will tell us 'tis no matter; the profound wiſdom of the prince provides for all. But what if this prince be a child, a fool, a ſuperannuated dotard, or a madman? Or if he does not fall under any of theſe extremities, and poſſeſſes ſuch a proportion of wit, induſtry, and courage as is ordinarily ſeen in men, how ſhall he ſupply the office that indeed requires profound wiſdom, and an equal meaſure of experience and valour? 'Tis to no purpoſe to ſay a good council may ſupply his defects; for it does not appear how he ſhould come by this council, nor who ſhould oblige him to follow their advice: if he be left to his own will to do what he pleaſes, tho' good advice be given to him; yet his judgment being perverted, he will always incline to the worſt: if a neceſſity be impoſed upon him of acting according to the advice

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of his council, he is not that abſolute monarch of whom we ſpeak, nor the government monarchical, but ariſtocratical. Theſe are imperfect fig-leaf coverings of nakedneſs. It was in vain to give good counſel to Sardanapalus; and none could defend th Aſſyrian empire, when he lay wallowing amongſt his whores without any other thought than of his luſts. None could preſerve Rome, when Domitian's chief buſineſs was to kill flies, and that of Honorius to take care of his hens. The monarchy of France muſt have periſhed under the baſe kings they call "Le roy faineants," if the ſceptre had not been wreſted out of their unworthy hands. The world is full of examples in this kind: and when it pleaſes God to beſtow a juſt, wiſe and valiant king as a bleſſing upon a nation, 'tis only a momentary help, his virtues end with him; and there being neither any divine promiſe nor human reaſon moving us to believe that they ſhall always be renewed and continued in his ſucceſſors, men cannot rely upon it; and to alledge a poſſibility of ſuch a thing is nothing to the purpoſe.

On the other ſide, in a popular or mixed government every man is concerned: every one has a part according to his quality or merit; all changes are prejudicial to all: whatſoever any man conceives to be for the public good, he may propoſe it in the magiſtracy, or to the magiſtrate: the body of the people is the public defence, and every man is arm'd and diſciplin'd: the advantages of good ſucceſs are communicated to all, and every one bears a part in the loſſes. This makes men generous and induſtrious; and fills their hearts with love to their country: *this, and the deſire of that praiſe which is the reward of virtue, raiſed the Romans above the reſt

* Amor patriæ laudiſque immenſa cupido. *Virg.*

of mankind; and whereſoever the ſame ways are taken, they will in a great meaſure have the ſame effects. By this means they had as many ſoldiers to fight for their country as there were freemen in it. Whilſt they had to deal with the free nations of Italy, Greece, Africa, or Spain, they never conquer'd a country, till the inhabitants were exhauſted: but when they came to fight againſt kings, the ſucceſs of a battle was enough to bring a kingdom under their power. Antiochus upon a ruffle received from Acilius at Thermopylæ, left all that he poſſeſſed in Greece; and being defeated by Scipio Naſica, he quitted all the kingdoms and territories of Aſia on this ſide Taurus. Paulus Æmilius became maſter of Macedon by one proſperous fight againſt Perſeus. Syphax, Gentius, Tigranes, Ptolomy, and others were more eaſily ſubdued. The mercenary armies on which they relied being broken, the cities and countries not caring for their maſters, ſubmitted to thoſe who had more virtue and better fortune. If the Roman power had not been built upon a more ſure foundation, they could not have ſubſiſted. Notwithſtanding their valour, they were often beaten; but their loſſes were immediately repair'd by the excellence of their diſcipline. When Hannibal had gained the battles of Trebia, Ticinum, Thraſimene, and Cannæ; defeated the Romans in many other encounters, and ſlain above two hundred thouſand of their men, with Paulus Æmilius, C. Servilius, Sempronius Gracchus, Quintius, Marcellus, and many other excellent commanders: when about the ſame time the two brave Scipio's had been cut off with their armies in Spain, and many great loſſes had been ſuſtain'd in Sicily and by ſea, one would have thought it impoſſible for the city to have reſiſted: but their virtue,

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love to their country, and good government was a ſtrength that increaſed under all their calamities, and in the end overcame all. The nearer Hannibal came to the walls, the more obſtinate was the reſiſtance. Tho' he had kill'd more great captains than any kingdom ever had, others daily ſtepp'd up in their place, who excell'd them in all manner of virtue. I know not, if at any time that conquering city could glory in a greater number of men fit for the higheſt enterprizes, than at the end of that cruel war, which had conſumed ſo many of them; but I think that the finiſhing victories by them obtained, are but ill proofs of our author's aſſertion, that they "thought baſely of the com-"mon good, and ſought only to ſave themſelves." We know of none except Cecilius Metellus, who after the battle of Cannæ had ſo baſe a thought as to deſign the withdrawing himſelf from the public ruin; but Scipio (afterwards ſirnamed Africanus) threatning death to thoſe who would not ſwear never to abandon their country, forced him to leave it. This may in general be imputed to good government and diſcipline, with which all were ſo ſeaſoned from their infancy, that no affection was ſo rooted in them, as an ardent love to their country, and a reſolution to die for it, or with it; but the means by which they accompliſhed their great ends, ſo as after their defeats to have ſuch men as carried on their nobleſt deſigns with more glory than ever, was their annual elections of magiſtrates, many being thereby advanc'd to the ſupreme commands, and every one by the honours they enjoy'd fill'd with a deſire of rendring himſelf worthy of them.

I ſhould not much inſiſt upon theſe things, if they had been ſeen only in Rome: but tho' their diſcipline ſeems to have been more perfect, better obſerved,

ſerved, and to have produc'd a virtue that ſurpaſſed all others; the like has been found, tho' perhaps not in the ſame degree, in all nations that have enjoyed their liberty, and were admitted to ſuch a part of the government, as might give them a love to it. This was evident in all the nations of Italy. The Sabines, Volſci, Æqui, Tuſcans, Samnites and others were never conquer'd, 'till they had no men left. The Samnites alone inhabiting a ſmall and barren province, ſuffer'd more defeats before they were ſubdued, than all the kingdoms of Numidia, Egypt, Macedon, and Aſia; and, as 'tis expreſt in their embaſſy to Hannibal, never yielded, till they who had brought vaſt numbers of men into the field, and by them defeated ſome of the Roman armies, were reduced to ſuch weakneſs, that they could not reſiſt one legion. We hear of few Spartans who did not willingly expoſe their lives for the ſervice of their country; and the women themſelves were ſo far inflamed with the ſame affection, that they refuſed to mourn for their children and huſbands who died in the defence of it. When the brave Braſidas was ſlain, ſome eminent men went to comfort his mother upon the news of his death; and telling her he was the moſt valiant man in the city, ſhe anſwer'd, that he was indeed a valiant man, and died as he ought to do, but that through the goodneſs of the gods, many others were left as valiant as he *.

When Xerxes invaded Greece, there was not a citizen of Athens able to bear arms, who did not leave his wife and children to ſhift for themſelves in the neighbouring cities, and their houſes to be burnt when they embarked with Themiſtocles; and never thought of either till they had defeated the barbarians at Salamine by ſea, and at Platea by land.

* Thucyd. de bel. Pelopon.

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When men are thus ſpirited, ſome will ever prove excellent; and as none did ever ſurpaſs thoſe who were bred under this diſcipline in all moral, military and civil virtues; thoſe very countries where they flouriſhed moſt, have not produced any eminent men ſince they loſt that liberty which was the mother and nurſe of them.

Tho' I ſhould fill a volume with examples of this kind (as I might eaſily do) ſuch as our author will ſay, that in popular governments men look upon miſchiefs as thunder, and only wiſh it may not touch themſelves: but leaving them to the ſcorn and hatred they deſerve by their impudence and folly, I conclude this point with the anſwer, that Trajano Boccalini puts into the mouth of Apollo *, to the princes who complained that their ſubjects had not that love to their countries, as had been, and was daily ſeen in thoſe who lived under commonwealths; which did amount to no more than to tell them, that their ill government was the cauſe of that defect, and that the prejudices incurr'd by rapine, violence, and fraud, were to be repaired only by liberality, juſtice, and ſuch a care of their ſubjects, that they might live happily under them.

SECT. XXII.

Commonwealths ſeek peace or war according to the variety of their conſtitutions.

IF I have hitherto ſpoken in general of popular or mixed governments, and if they were all founded on the ſame principle, it was only becauſe our author without diſtinction has generally blamed them all, and generally imputed to every one thoſe faults, which perhaps never were in any; but moſt certainly

* Ragion. 99.

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are directly oppoſite to the temper and conſtitution of many among them. Malice and ignorance reign ſo equally in him, that 'tis not eaſy to determine from which of the two this falſe repreſentation proceeds. But leſt any man ſhould thereby be impoſed upon, 'tis time to obſerve, that the conſtitutions of commonwealths have been ſo various, according to the different temper of nations and times, that if ſome of them ſeem to have been principally conſtituted for war, others have as much delighted in peace; and many having taken the middle, and (as ſome think) the beſt way, have ſo moderated their love to peace, as not to ſuffer the ſpirits of the people to fall, but kept them in a perpetual readineſs to make war when there was occaſion: and every one of thoſe having followed ſeveral ways and ends, deſerve our particular conſideration.

The cities of Rome, Sparta, Thebes, and all the aſſociations of the Etolians, Achaians, Sabines, Latins, Samnites, and many others that antiently flouriſh'd in Greece and Italy, ſeem to have intended nothing but the juſt preſervation of liberty at home, and making war abroad. All the nations of Spain, Germany, and Gaul ſought the ſame things. Their principal work was to render their people valiant, obedient to their commanders, lovers of their country, and always ready to fight for it: and for this reaſon when the ſenators of Rome had kill'd Romulus, they perſuaded Julius Proculus to affirm, that he had ſeen him in a moſt glorious form aſcending to heaven, and promiſing great things to the city, "Proinde "rem militarem colant." The Athenians were not leſs inclined to war, but applied themſelves to trade, as ſubſervient to that end, by increaſing the number of the people, and furniſhing them with the means

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of carrying it on with more vigour and power. The Phenician cities, of which Carthage was the moſt eminent, followed the ſame method: but knowing that riches do not defend themſelves, or ſcorning ſlothfully to enjoy what was gained by commerce, they ſo far applied themſelves to war, that they grew to a power, which Rome only was able to overthrow. Venice, Florence, Genoa, Lucca, and ſome other cities of Italy ſeem chiefly to have aimed at trade; and placing the hopes of their ſafety in the protection of more powerful ſtates, unwillingly enter'd into wars, eſpecially by land; and when they did, they made them by mercenary ſoldiers.

Again, ſome of thoſe that intended war deſir'd to enlarge their territories by conqueſt; others only to preſerve their own, and to live with freedom and ſafety upon them. Rome was of the firſt ſort; and knowing that ſuch ends cannot be accompliſhed without great numbers of men, they freely admitted ſtrangers into the city, ſenate and magiſtracy. Numa was a Sabine: Tarquinius Priſcus was the ſon of a Grecian: one hundred of thoſe Sabines who came with Tatius were admitted into the ſenate: Appius Claudius of the ſame people came to Rome, was made a member of the ſenate, and created conſul. They demoliſhed ſeveral cities, and brought the inhabitants to their own; gave the right of citizens to many others (ſometimes to whole cities and provinces) and cared not how many they received, ſo as they could engraft them upon the ſame intereſt with the old ſtock, and ſeaſon them with the ſame principles, diſcipline and manners. On the other ſide the Spartans deſiring only to continue free, virtuous, and ſafe in the enjoyment of their own territory; and thinking themſelves ſtrong enough to defend it, framed a moſt ſevere diſcipline, to which

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few ſtrangers would ſubmit. They baniſhed all thoſe curious arts, that are uſeful to trade; prohibited the importation of gold and ſilver; appointed the Helotes to cultivate their lands, and to exerciſe ſuch trades as are neceſſary to life; admitted few ſtrangers to live amongſt them; made none of them free of their city, and educated their youth in ſuch exerciſes only as prepared them for war. I will not take upon me to judge whether this proceeded from ſuch a moderation of ſpirit, as placed felicity rather in the fulneſs and ſtability of liberty, integrity, virtue, and the enjoyment of their own, than in riches, power, and dominion over others; nor which of theſe two different methods deſerves moſt to be commended: but certain it is that both ſucceeded according to the intention of the founders.

Rome conquer'd the beſt part of the world, and never wanted men to defend what was gained: Sparta lived in ſuch happineſs and reputation, that till it was invaded by Epaminondas, an enemy's trumpet had not been heard by thoſe within the town for the ſpace of eight hundred years, and never ſuffer'd any great diſaſter, till receding from their own inſtitutions, they were brought by proſperity to affect the principality of Greece, and to undertake ſuch wars as could not be carried on without money, and greater numbers of men than a ſmall city was able to furniſh; by which means they were obliged to beg aſſiſtance from the barbarians, whom they ſcorned and hated, as appears by the ſtories of Callicratidas, Lyſander, and Ageſilaus, and fell into ſuch ſtraits as were never recovered.

The like variety has been obſerved in the conſtitutions of thoſe northern nations that invaded the Roman empire; for tho' all of them intended war, and looked upon thoſe only to be members of their

commonwealths, who uſed arms to defend them, yet ſome did immediately incorporate themſelves with thoſe of the conquer'd countries. Of this number were the Franks, who preſently became one nation with the Gauls; others kept themſelves in a diſtinct body, as the Saxons did from the Britains: and the Goths for more than three hundred years that they reigned in Spain, never contracted marriages, or otherwiſe mixed with the Spaniards, till their kingdom was overthrown by the Moors.

Theſe things, and others of the like nature, being weighed, many have doubted whether it were better to conſtitute a commonwealth for war or for trade; and of ſuch as intend war, whether thoſe are moſt to be praiſed who prepare for defence only, or thoſe who deſign by conqueſt to enlarge their dominions. Or, if they admit of trade, whether they ſhould propoſe the acquiſition of riches for their ultimate end, and depend upon foreign or mercenary forces to defend them; or to be as helps to enable their own people to carry on thoſe wars, in which they may be frequently engaged. Theſe queſtions might perhaps be eaſily decided, if mankind were of a temper to ſuffer thoſe to live in peace, who offer no injury to any; or that men who have money to hire ſoldiers when they ſtand in need of them, could find ſuch as would valiantly and faithfully defend them, whilſt they apply themſelves to their trades. But experience teaching us that thoſe only can be ſafe who are ſtrong: and that no people was ever well defended, but thoſe who fought for themſelves; the beſt judges of theſe matters have always given the preference to thoſe conſtitutions that principally intend war, and make uſe of trade as aſſiſting to that end: and think it better to aim at conqueſt, rather than ſimply to ſtand upon their own defence;

ſince he that loſes all if he be overcome, fights upon very unequal terms; and if he obtain the victory, gains no other advantage, than for the preſent to repel the danger that threatned him.

Theſe opinions are confirmed by the examples of the Romans, who proſper'd much more than the Spartans; and the Carthaginians, who made uſe of trade as a help to war, raiſed their city to be one of the moſt potent that ever was in the world: whereas the Venetians having relied on trade and mercenary ſoldiers, are always forced too much to depend upon foreign potentates; very often to buy peace with ignominious and prejudicial conditions; and ſometimes to fear the infidelity of their own commanders, no leſs than the violence of their enemies. But that which ought to be valued above all in point of wiſdom as well as juſtice, is, the government given by God to the Hebrews, which chiefly fitted them for war, and to make conqueſts. Moſes divided them under ſeveral captains, into thouſands, hundreds, fifties, and tens: this was a perpetual ordinance amongſt them: in numbring them, thoſe only were counted, who were able to bear arms: every man was obliged to go out to war, except ſuch as had married a wife, or upon other ſpecial occaſions were for a time excuſed; and the whole ſeries of the ſacred hiſtory ſhews that there were always as many ſoldiers to fight for their country as there were men able to fight. And if this be taken for a picture of a many-headed beaſt delighting in blood, begotten by ſedition, and nouriſhed by crimes, God himſelf was the drawer of it.

In this variety of conſtitutions and effects proceeding from them, I can ſee nothing more juſtly and generally to be attributed to them all, than that love to their country, which our author impudently

affirms to be wanting in all. In other matters their proceedings are not only different, but contrary to each other: yet it cannot be ſaid that any nations have enjoyed ſo much peace as ſome republics. The Venetians too great inclination to peace is accounted to be a mortal error in their conſtitution, and they have not been leſs free from domeſtic ſeditions than foreign wars; the conſpiracies of the Falerii and Tiepoli were extinguiſhed by their puniſhment, and that of La Cueva cruſhed before it was ripe. Genoa has not been altogether ſo happy: the factions of the Guelps and Ghibelins that ſpread themſelves over all Italy, infected that city; and the malice of the Spaniards and French raiſed others under the Fregoſi and Adorni: but they being compoſed, they have for more than a hundred and fifty years reſted in quiet.

There is another ſort of commonwealth compoſed of many cities aſſociated together, and living æquo jure; every one retaining and exerciſing a ſovereign power within itſelf, except in ſome caſes expreſſed in the act of union, or league made between them. Theſe I confeſs are more hardly preſerved in peace. Diſputes may ariſe among them concerning limits, juriſdiction, and the like. They cannot always be equally concerned in the ſame things. The injuries offer'd to one do not equally affect all. Their neighbours will ſow diviſions among them; and not having a mother city to decide their controverſies by her authority, they may be apt to fall into quarrels, eſpecially if they profeſs chriſtianity; which having been ſplit into variety of opinions ever ſince it was preached, and the papiſts by their cruelty to ſuch as diſſent from them, ſhewing to all, that there is no other way of defending themſelves againſt them, than by uſing the ſame, almoſt every man is

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come to think he ought (as far as in him lies) to impoſe his belief on others, and that he can give no better teſtimony of his zeal, than the exceſs of his violence on that account. Nevertheleſs the cantons of the Switzers, tho' accompanied with all the moſt dangerous circumſtances that can be imagined, being thirteen in number, independent on each other, governed in a high degree popularly, profeſſing chriſtianity differing in moſt important points; eight of them much influenced by the Jeſuits, and perpetually excited to war againſt their brethren by the powerful crowns of Spain and France, have ever ſince they caſt off the inſupportable yoke of the earls of Hapſburg, enjoy'd more peace than any other ſtate of Europe, and from the moſt inconſiderable people, are grown to ſuch a power, that the greateſt monarchs do moſt ſolicitouſly ſeek their friendſhip; and none have dared to invade them, ſince Charles Duke of Burgundy did it to his ruin: and he who for a long time had been a terror to the great, dangerous, and ſubtil king of France, gave by the loſs of three armies and his own life a laſting teſtimony of his temerity in aſſaulting a free and valiant, tho' a poor people, fighting in their own quarrel. Commines well relates that war; but a vaſt heap of bones remaining to this day at Muret with this inſcription, "Caroli fortiſſimi Bur-" gundiorum ducis exercitus, muretum obſidens ab " Helvetiis cæſus, hoc ſui monumentum reliquit," beſt ſhews the ſucceſs of it. Since that time their greateſt wars have been for the defence of Milan; or ſuch as they have undertaken for pay under the enſigns of France or Spain, that by the uſe of arms they may keep up that courage, reputation and experience which is requir'd for the defence of their

own country. No government was ever more free from popular ſeditions; the revolts of their ſubjects have been few, weak, and eaſily ſuppreſſed; the diſſention raiſed by the Jeſuits between the cantons of Zurich and Lucern was as ſoon compoſed as the rebellion of the county of Vaux againſt the canton of Bern; and thoſe few of the like nature that have happened among them have had the like ſucceſs: ſo that Thuanus in the hiſtory of his time, comprehending about fifty years, and relating the horrid domeſtic and foreign wars, that diſtracted Germany, France, Spain, Italy, Flanders, England, Scotland, Poland, Denmark, Sweden, Hungary, Tranſilvania, Muſcovy, Turky, Afric, and other places, has no more to ſay of them than to ſhew what arts had been in vain uſed to diſturb their ſo much envied quiet. But if the modeſt temper of the people, together with the wiſdom, juſtice, and ſtrength of their government, could not be diſcompoſed by the meaſures of Spain and France, by the induſtry of their ambaſſadors, or the malicious craft of the Jeſuits, we may ſafely conclude that their ſtate is as well ſettled as any thing among men can be, and can hardly comprehend what is like to interrupt it. As much might be ſaid of the cities of the Hanſeatic ſociety, if they had an entire ſovereignty in themſelves: but the cities of the united provinces in the Low Countries being every one of them ſovereign within themſelves, and many in number, ſtill continuing in their union in ſpite of all the endeavours that have been uſed to divide them, give us an example of ſuch ſteadineſs in practice and principle, as is hardly to be parallel'd in the world, and that undeniably prove a temper in their conſtitutions directly oppoſite to that which our author imputes to all popular governments: and if the death of Barnevelt

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and De Wit, or the preferment of ſome moſt unlike to them be taken for a teſtimony that the beſt men thrive worſt, and the worſt beſt, I hope it may be conſider'd that thoſe violences proceeded from that which is moſt contrary to popularity, tho' I am not very willing to explain it.

If theſe matters are not clear in themſelves, I deſire they may be compared with what has happen'd between any princes that from the beginning of the world have been joined in league to each other, whether they were of the ſame or of different nations. Let an example be brought of ſix, thirteen, or more princes or kings who enter'd into a league; and for the ſpace of one or more ages, did neither break it, nor quarrel upon the explication of it. Let the ſtates of the Switzers, Griſons, or Hollanders, be compared with that of France, when it was ſometimes divided between two, three, or four brothers of Meroveus or Pepin's races; with the heptarchy of England; the kingdoms of Leon, Arragon, Navarre, Caſtile and Portugal, under which the chriſtians in Spain were divided; or thoſe of Cordoua, Seville, Malaga, Granada, and others under the power of the Moors; and if it be not evident, that the popular ſtates have been remarkable for peace among themſelves, conſtancy to their union and fidelity to the leagues made with their aſſociates; whereas all the abovementioned kingdoms, and ſuch others as are known among men to have been joined in the like leagues, were ever infeſted with domeſtic rebellions and quarrels ariſing from the ambition of princes, ſo as no confederacy could be ſo cautiouſly made, but they would find ways to elude it, or ſo ſolemn and ſacred, but they would in far leſs time break through it: I will confeſs, that kingdoms have ſome-

times been as free from civil diſturbances; and that leagues made between ſeveral princes, have been as conſtantly and religiouſly obſerved, as by commonwealths. But if no ſuch thing do appear in the world, and no man who is not impudent or ignorant dare pretend it, I may juſtly conclude, that tho' every commonwealth hath its action ſuitable to its conſtitution, and that many aſſociated together are not ſo free from diſturbances, as thoſe that wholly depend upon the authority of a mother city; yet we know of none that have not been, and are more regular and quiet than any principalities; and as to foreign wars, they ſeek or avoid them according to their various conſtitutions.

SECT. XXIII.

That is the beſt government, which beſt provides for war.

OUR author having huddled up all popular and mixed governments into one, has in ſome meaſure forced me to explain the various conſtitutions and principles upon which they are grounded: but as the wiſdom of a father is ſeen, not only in providing bread for his family, or increaſing his patrimonial eſtate, but in making all poſſible proviſion for the ſecurity of it; ſo that government is evidently the beſt, which, not relying upon what it does at firſt enjoy, ſeeks to increaſe the number, ſtrength, and riches of the people; and by the beſt diſcipline to bring the power ſo improved into ſuch order as may be of moſt uſe to the public. This comprehends all things conducing to the adminiſtration of juſtice, the preſervation of domeſtic peace, and the increaſe of commerce, that the people being pleaſed with their

their preſent condition, may be filled with love to their country, encouraged to fight boldly for the public cauſe, which is their own; and as men do willingly join with that which proſpers, that ſtrangers may be invited to fix their habitations in ſuch a city, and to eſpouſe the principles that reign in it. This is neceſſary for ſeveral reaſons; but I ſhall principally inſiſt upon one, which is, that all things in their beginning are weak: the whelp of a lion newly born has neither ſtrength nor fierceneſs. He that builds a city, and does not intend it ſhould increaſe, commits as great an abſurdity, as if he ſhould deſire his child might ever continue under the ſame weakneſs in which he is born. If it do not grow, it muſt pine and periſh; for in this world nothing is permanent; that which does not grow better will grow worſe. This increaſe alſo is uſeleſs, or perhaps hurtful, if it be not in ſtrength, as well as in riches or number: for every one is apt to ſeize upon ill guarded treaſures; and the terror that the city of London was poſſeſſed with, when a few Dutch ſhips came to Chatham, ſhews that no numbers of men, tho' naturally valiant, are able to defend themſelves, unleſs they be well arm'd, diſciplin'd and conducted. Their multitude brings confuſion: their wealth, when 'tis like to be made a prey, increaſes the fears of the owners; and they, who if they were brought into good order, might conquer a great part of the world, being deſtitute of it, durſt not think of defending themſelves.

If it be ſaid that the wiſe father mention'd by me endeavours to ſecure his patrimony by law, not by force; I anſwer that all defence terminates in force; and if a private man does not prepare to defend his eſtate with his own force, 'tis becauſe he lives under the protection of the law, and expects the

the force of the magiſtrate ſhould be a ſecurity to him: but kingdoms and commonwealths acknowledging no ſuperior, except God alone, can reaſonably hope to be protected by him only; and by him, if with induſtry and courage they make uſe of the means he has given them for their own defence. God helps thoſe who help themſelves; and men are by ſeveral reaſons (ſuppoſe to prevent the increaſe of a ſuſpected power) induced to ſuccour an induſtrious and brave people: but ſuch as neglect the means of their own preſervation, are ever left to periſh with ſhame. Men cannot rely upon any league: the ſtate that is defended by one potentate againſt another becomes a ſlave to their protector: mercenary ſoldiers always want fidelity or courage, and moſt commonly both. If they are not corrupted or beaten by the invader, they make a prey of their maſters. Theſe are the followers of camps who have neither faith nor piety *, but prefer gain before right. They who expoſe their blood to ſale, look where they can make the beſt bargain, and never fail of pretences for followiug their intereſts.

Moreover, private families may by ſeveral arts increaſe their wealth, as they increaſe in number; but when a people multiplies (as they will always do in a good climate under a good government) ſuch an enlargement of territory as is neceſſary for their ſubſiſtence can be acquired only by war. This was known to the northern nations that invaded the Roman empire; but for want of ſuch conſtitutions as might beſt improve their ſtrength and valour, the numbers they ſent out when they were overburden'd, provided well for themſelves, but were of no uſe to the countries they left; and whilſt thoſe Goths,

* ——Ibi fas ubi maxima merces. *Lucan.*

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Vandals, Franks, and Normans enjoyed the moſt opulent and delicious provinces of the world, their fathers languiſhed obſcurely in their frozen climates. For the like reaſons, or through the ſame defect, the Switzers are obliged to ſerve other princes; and often to imploy that valour in advancing the power of their neighbours, which might be uſed to increaſe their own. Genoa, Lucca, Geneva, and other ſmall commonwealths, having no wars, are not able to nouriſh the men they breed; but ſending many of their children to ſeek their fortunes abroad, ſcarce a third part of thoſe that are born among them die in thoſe cities; and if they did not take this courſe, they would have no better than the nations inhabiting near the river Niger, who ſell their children as the increaſe of their flocks.

This does not leſs concern monarchies than commonwealths; nor the abſolute leſs than the mixed: all of them have been proſperous or miſerable, glorious or contemptible, as they were better or worſe arm'd, diſciplin'd, or conducted. The Aſſyrian valour was irreſiſtible under Nabuchodonozor; but was brought to nothing under his baſe and luxurious grandſon Belſhazzar: the Perſians who under Cyrus conquer'd Aſia, were like ſwine expoſed to ſlaughter when their diſcipline failed, and they were commanded by his proud, cruel, and cowardly ſucceſſors. The Macedonian army overthrown by Paulus Æmilius was not leſs in number than that with which Alexander gained the empire of the eaſt; and perhaps had not been inferior in valour, if it had been as well commanded. Many poor and almoſt unknown nations have been carried to ſuch a height of glory by the bravery of their princes, that I might incline to think their government

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as fit as any other for diſciplining a people to war, if their virtues continued in their families, or could be tranſmitted to their ſucceſſors. The impoſſibility of this is a breach never to be repaired; and no account is to be made of the good that is always uncertain, and ſeldom enjoy'd. This diſeaſe is not only in abſolute monarchies, but in thoſe alſo where any regard is had to ſucceſſion of blood, tho' under the ſtricteſt limitations. The fruit of all the victories gained by Edward the firſt and third, or Henry the fifth of England, periſhed by the baſeneſs of their ſucceſſors: the glory of our arms was turned into ſhame; and we, by the loſs of treaſure, blood, and territory, ſuffer'd the puniſhment of their vices. The effects of theſe changes are not always equally violent; but they are frequent, and muſt fall out as often as occaſion is preſented. It was not poſſible for Lewis the thirteenth of France to purſue the great deſigns of Henry the fourth: Chriſtina of Sweden could not ſupply the place of her brave father; nor the preſent king in his infancy accompliſh what the great Charles Guſtavus had nobly undertaken: and no remedy can be found for this mortal infirmity, unleſs the power be put into the hands of thoſe who are able to execute it, and not left to the blindneſs of fortune. When the regal power is committed to an annual or otherwiſe choſen magiſtracy, the virtues of excellent men are of uſe, but all does not depend upon their perſons: one man finiſhes what another had begun; and when many are by practice rendred able to perform the ſame things, the loſs of one is eaſily ſupplied by the election of another. When good principles are planted, they do not die with the perſon that introduced them; and good conſtitutions remain, tho' the authors of them periſh. Rome did not fall back

back into ſlavery when Brutus was killed, who had led them to recover their liberty: others like to him purſued the ſame ends; and notwithſtanding the loſs of ſo many great commanders conſumed in their almoſt continual wars, they never wanted ſuch as were fit to execute whatever they could deſign. A well governed ſtate is as fruitful to all good purpoſes, as the ſeven-headed ſerpent is ſaid to have been in evil; when one head is cut off, many riſe up in the place of it. Good order being once eſtabliſhed, makes good men; and as long as it laſts, ſuch as are fit for the greateſt employments will never be wanting. By this means the Romans could not be ſurpriſed: no king or captain ever invaded them, who did not find many excellent commanders to oppoſe him; whereas they themſelves found it eaſy to overthrow kingdoms, tho' they had been eſtabliſhed by the braveſt princes, through the baſeneſs of their ſucceſſors.

But if our author ſay true, 'tis of no advantage to a popular ſtate to have excellent men; and therefore he impoſes "a neceſſity upon every people to chooſe "the worſt men for being the worſt, and moſt like "to themſelves; leſt that if virtuous and good men "ſhould come into power, they ſhould be excluded "for being vicious and wicked, &c. Wiſe men "would ſeize upon the ſtate, and take it from the "people." For the underſtanding of theſe words, 'tis good to conſider whether they are to be taken ſimply, as uſually applied to the devil and ſome of his inſtruments, or, relatively, as to the thing in queſtion: if ſimply, it muſt be concluded that Valerius, Brutus, Cincinnatus Capitolinus, Mamercus, Paulus Emilius, Naſica, and others like to them, were not only the worſt men of the city; but that they were ſo often advanced to the ſupreme magiſtracies, becauſe they were ſo: if in the other

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ſenſe relating to magiſtracy and the command of armies, the worſt are the moſt ignorant, unfaithful, ſlothful, or cowardly; and our author to make good his propoſition, muſt prove, that when the people of Rome, Carthage, Athens, and other ſtates had the power of chooſing whom they pleaſed, they did chooſe Camillus, Corvinus, Torquatus, Fabius, Rullus, Scipio, Amilcar, Hannibal, Aſdrubal, Pelopidas, Epaminondas, Pericles, Ariſtides, Themiſtocles, Phocion, Alcibiades, and others like to them, for their ignorance, infidelity, ſloth, and cowardice; and on account of thoſe vices, moſt like to thoſe who chooſe them. But if theſe were the worſt, I deſire to know what wit or eloquence can deſcribe or comprehend the excellency of the beſt; or of the diſcipline that brings whole nations to ſuch perfection, that worſe than theſe could not be found among them? and if they were not ſo, but ſuch as all ſucceeding ages have juſtly admir'd for their wiſdom, virtue, induſtry, and valour, the impudence of ſo wicked and falſe an aſſertion ought to be rejected with ſcorn and hatred.

But if all governments whether monarchical or popular, abſolute or limited, deſerve praiſe or blame as they are well or ill conſtituted for making war; and that the attainment of this end do entirely depend upon the qualifications of the commanders, and the ſtrength, courage, number, affection, and temper of the people out of which the armies are drawn: thoſe governments muſt neceſſarily be the beſt which take the beſt care that thoſe armies may be well commanded; and ſo provide for the good of the people, that they may daily increaſe in number, courage, and ſtrength, and be ſo ſatisfied with the preſent ſtate of things, as to fear a change, and fight for the preſervation or advancement of the public intereſt as of their own. We have already found

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that in hereditary monarchies no care at all is taken of the commander: he is not choſen, but comes by chance; and does not only frequently prove defective, but for the moſt part utterly uncapable of performing any part of his duty; whereas in popular governments excellent men are generally choſen; and there are ſo many of them, that if one or more periſh, others are ready to ſupply their places. And this diſcourſe having (if I miſtake not) in the whole ſeries, ſhewn, that the advantages of popular governments, in relation to the increaſe of courage, number, and ſtrength in a people, out of which armies are to be formed, and bringing them to ſuch a temper as prepares them bravely to perform their duty, are as much above thoſe of monarchies, as the prudence of choice ſurpaſſes the accidents of birth, it cannot be denied that in both reſpects the part which relates to war is much better perform'd in popular governments than in monarchies.

That which we are by reaſon led to believe, is confirmed to us by experience. We every where ſee the difference between the courage of men fighting for themſelves and their poſterity, and thoſe that ſerve a maſter who by good ſucceſs is often render'd inſupportable. This is of ſuch efficacy, that no king could ever boaſt to have overthrown any conſiderable commonwealth, unleſs it were divided within it ſelf, or weakned by wars made with ſuch as were alſo free; which was the caſe of the Grecian commonwealths when the Macedonians fell in upon them. Whereas the greateſt kingdoms have been eaſily deſtroy'd by commonwealths: and theſe alſo have loſt all ſtrength, valour, and ſpirit after the change of their government. The power and virtue of the Italians grew up, decayed and periſhed with their liberty. When they were divided into many commonwealths,

monwealths, every one of them was able to ſend out great armies, and to ſuffer many defeats before they were ſubdued; ſo that their cities were delivered up by the old men, women, and children, when all thoſe who were able to bear arms had been ſlain: and when they were all brought under the Romans, either as aſſociates or ſubjects, they made the greateſt ſtrength that ever was in the world.

Alexander of Epirus was in valour thought equal, and in power little inferior to Alexander of Macedon: but having the fortune to attack thoſe who had been brought up in liberty, taught to hazard or ſuffer all things for it, and to think that God has given to men hands and ſwords only to defend it, he periſhed in his attempt; whilſt the other encountring ſlaviſh nations, under the conduct of proud, cruel, and for the moſt part unwarlike tyrants, became maſter of Aſia.

Pyrrhus ſeems to have been equal to either of them; but the victories he obtain'd by an admirable valour and conduct, coſt him ſo dear, that he deſir'd peace with thoſe enemies who might be defeated, not ſubdued.

Hannibal wanting the prudence of Pyrrhus, loſt the fruits of all his victories; and being torn out of Italy, where he had neſted himſelf, fell under the ſword of thoſe whoſe fathers he had defeated or ſlain; and died a baniſh'd man from his ruin'd country.

The Gauls did once bring Rome, when it was ſmall, to the brink of deſtruction; but they left their carcaſes to pay for the miſchiefs they had done; and in ſucceeding times their invaſions were mention'd as tumults rather than wars.

The Germans did perhaps ſurpaſs them in numbers and ſtrength, and were equal to them in fortune

tune as long as Rome was free. They often enter'd Italy, but they continued not long there, unleſs under the weight of their chains. Whereas the ſame nations, and others like to them, aſſaulting that country, or other provinces under the emperors, found no other difficulty than what did ariſe upon conteſts among themſelves who ſhould be maſter of them. No manly virtue or diſcipline remain'd among the Italians: thoſe who govern'd them, relied upon tricks and ſhifts; they who could not defend themſelves, hired ſome of thoſe nations to undertake their quarrels againſt others. Theſe trinklings could not laſt: the Goths ſcorning to depend upon thoſe who in valour and ſtrength were much inferior to themſelves, ſeized upon the city that had commanded the world, whilſt Honorius was ſo buſy in providing for his hens, that he could not think of defending it. Arcadius had the luck not to loſe his principal city; but paſſing his time among fidlers, players, eunuchs, cooks, dancers, and buffoons, the provinces were ſecurely plunder'd and ranſack'd by nations, that are known only from their victories againſt him.

'Tis in vain to ſay that this proceeded from the fatal corruption of that age; for that corruption proceeded from the government, and the enſuing deſolation was the effect of it. And as the like diſorder in government has been ever ſince in Greece and the greateſt part of Italy, thoſe countries which for extent, riches, convenience of ſituation, and numbers of men, are equal to the beſt in the world, and for the wit, courage, and induſtry of the natives, perhaps juſtly preferable to any, have ſince that time been always expoſed as a prey to the firſt invader. Charles the eighth of France is by Guicciardin, and other writers, repreſented as a prince

equally weak in body, mind, money, and forces; but as an ill hare is ſaid to make a good dog, he conquer'd the beſt part of Italy without breaking a lance. Ferdinand and Alphonſo of Arragon, kings of Naples, had governed by trepanners, falſe witneſſes, corrupt judges, mercenary ſoldiers, and other miniſters of iniquity; but theſe could afford no help againſt an invader; and neither the oppreſſed nobility, nor people, concerning themſelves in the quarrel, they who had been proud, fierce, and cruel againſt their poor ſubjects, never durſt look an enemy in the face; and the father dying with anguiſh and fear, the ſon ſhamefully fled from his ill governed kingdom.

The ſame things are no leſs evident in Spain. No people ever defended themſelves with more obſtinacy and valour than the Spaniards did againſt the Carthaginians and Romans, who ſurpaſſed them in wealth and ſkill. Livy calls them "Gentem ad "bella gerenda & reparanda natam," and who generally kill'd themſelves when they were maſter'd and diſarm'd, "Nullam ſine armis vitam eſſe rati." But tho' the mixture of Roman blood could not impair their race, and the conjunction of the Goths had improved their force; yet no more was requir'd for the overthrow of them all, than the weakneſs and baſeneſs of the two lewd tyrants Witza and Rodrigo, who diſdained all laws, and reſolved to govern according to their luſt. They who for more than two hundred years had reſiſted the Romans, were entirely ſubdued by the vile, half-naked Moors, in one ſlight ſkirmiſh; and do not to this day know what became of the king who brought the deſtruction upon them. That kingdom after many revolutions is with many others come to the houſe of Auſtria, and enjoys all the wealth of the Indies; whereupon

they are thought to have affected an univerſal monarchy. "Sed ut ſunt levia Aulicorum ingenia," this was grounded upon nothing except their own vanity: they had money and craft; but wanting that ſolid virtue and ſtrength which makes and preſerves conqueſts, their kings have nothing but Milan that did not come to them by marriage: and tho' they have not received any extraordinary diſaſters in war, yet they languiſh and conſume through the defects of their own government, and are forced to beg aſſiſtance from their mortal and formerly deſpis'd enemies. Theſe are the beſt hopes of defence that they have from abroad; and the only enemy an invader ought to fear in their deſolate territories is that want and famine which teſtifies the good order, ſtrength and ſtability of our author's divine monarchy; the profound wiſdom of their kings in ſubtilly finding out ſo ſure a way of defending the country; their paternal care in providing for the good of their ſubjects; and that whatſoever is defective in the prince, is aſſuredly ſupplied by the ſedulity of a good council.

We have already ſaid enough to obviate the objections that may be drawn from the proſperity of the French monarchy. The beauty of it is falſe and painted. There is a rich and haughty king, who is bleſs'd with ſuch neighbours as are not likely to diſturb him, and has nothing to fear from his miſerable ſubjects; but the whole body of that ſtate is full of boils, and wounds, and putrid ſores: there is no real ſtrength in it. The people is ſo unwilling to ſerve him, that he is ſaid to have put to death above fourſcore thouſand of his own ſoldiers within the ſpace of fifteen years, for flying from their colours; and if he were vigorouſly attack'd, little help could be expected from a diſcontented no-

bility, or a ſtarving and deſpairing people. If to diminiſh the force of theſe arguments and examples, it be ſaid that in two or three thouſand years all things are changed; the antient virtue of mankind is extinguiſhed; and the love that every one had to his country is turned into a care of his private intereſts: I anſwer, that time changes nothing, and the changes produced in this time proceed only from the change of governments. The nations which have been governed arbitrarily, have always ſuffer'd the ſame plagues, and been infected with the ſame vices; which is as natural, as for animals ever to generate according to their kinds, and fruits to be of the ſame nature with the roots and ſeeds from which they come. The ſame order that made men valiant and induſtrious in the ſervice of their country during the firſt ages, would have the ſame effect, if it were now in being: men would have the ſame love to the public as the Spartans and Romans had, if there was the ſame reaſon for it. We need no other proof of this than what we have ſeen in our own country, where in a few years good diſcipline, and a juſt encouragement given to thoſe who did well, produced more examples of pure, compleat, incorruptible, and invincible virtue than Rome or Greece could ever boaſt; or if more be wanting, they may eaſily be found among the Switzers, Hollanders, and others: but 'tis not neceſſary to light a candle to the ſun.

SECT.

SECT. XXIV.

Popular governments are leſs ſubject to civil diſorders than monarchies; manage them more ably, and more eaſily recover out of them.

'TIS in vain to ſeek a government in all points free from a poſſibility of civil wars, tumults, and ſeditions: that is a bleſſing denied to this life, and reſerved to compleat the felicity of the next. But if theſe are to be accounted the greateſt evils that can fall upon a people, the rectitude or defects of governments will beſt appear if we examine which ſpecies is more or leſs expoſed to, or exempted from them.

This may be done two ways.

1. By ſearching into the cauſes from whence they may, or uſually do ariſe.

2. Which kind has actually been moſt frequently and dangerouſly diſturbed by them.

To the firſt: ſeditions, tumults, and wars do ariſe from miſtake, or from malice; from juſt occaſions, or unjuſt: from miſtake, when a people thinks an evil to be done or intended, which is not done nor intended, or takes that to be evil which is done, tho' in truth it be not ſo. Well regulated cities may fall into theſe errors. The Romans being jealous of their newly recover'd liberty, thought that Valerius Publicola deſigned to make himſelf king, when he built a houſe in a place that ſeemed too ſtrong and eminent for a private man. The Spartans were not leſs ſuſpicious of Lycurgus; and a lewd young fellow in a ſedition put out one of his eyes: but no people ever continued in a more conſtant affection to their beſt deſerving citizens, than both the Romans and Spartans afterwards

manifeſted to thoſe virtuous and wrongfully ſuſpected men.

Sometimes the fact is true, but otherwiſe underſtood than was intended. When the Tarquins were expelled from Rome, the patricians retained to themſelves the principal magiſtracies; but never thought of bringing back kings, or of ſetting up a corrupt oligarchy among themſelves, as the plebeians imagin'd: and this miſtake being diſcover'd, the fury they had conceived, vaniſhed; and they who ſeemed to intend nothing leſs than the extirpation of all the patrician families, grew quiet. Menenius Agrippa appeaſed one of the moſt violent ſeditions that ever happened amongſt them (till civil intereſts were purſued by armed troops) with a fable of the ſeveral parts of the body that murmur'd againſt the belly: and the moſt dangerous of all was compoſed by creating tribunes to protect them. Some of the patrician young men had favour'd the Decemviri, and others being unwilling to appear againſt them, the people believed they had all conſpired with thoſe new tyrants: but Valerius and Horatius putting themſelves at the head of thoſe who ſought their deſtruction, they perceived their error, and looked upon the patricians as the beſt defenders of their liberties: "Et inde, ſays Livy, "auram libertatis captare, unde ſervitutem timu-"iſſent." Democratical governments are moſt liable to theſe miſtakes: in ariſtocracies they are ſeldom ſeen, and we hear of none in Sparta after the eſtabliſhment of the laws by Lycurgus; but abſolute monarchies ſeem to be totally exempted from them. The miſchiefs deſign'd are often diſſembled or denied, till they are paſt all poſſibility of being cured by any other way than force: and ſuch as are by neceſſity driven to uſe that remedy, know they

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muſt perfect their work or periſh. He that draws his ſword againſt the prince, ſay the French, ought to throw away the ſcabbard; for tho' the deſign be never ſo juſt, yet the authors are ſure to be ruin'd if it miſcarry. Peace is ſeldom made, and never kept, unleſs the ſubject retain ſuch a power in his hands, as may oblige the prince to ſtand to what is agreed; and in time ſome trick is found to deprive them of that benefit.

Seditions proceeding from malice, are ſeldom or never ſeen in popular governments; for they are hurtful to the people, and none have ever willingly and knowingly hurt themſelves. There may be, and often is malice in thoſe who excite them; but the people is ever deceiv'd, and whatſoever is thereupon done, ought to be imputed to error, as I ſaid before. If this be diſcovered in time, it uſually turns to the deſtruction of the contriver; as in the caſes of Manlius Capitolinus, Spurius Melius, and Sp. Caſſius: if not, for the moſt part it produces a tyranny, as in thoſe of Agathocles, Dionyſius, Piſiſtratus, and Cæſar. But in abſolute monarchies, almoſt all the troubles that ariſe, proceed from malice; they cannot be reformed, the extinction of them is exceeding difficult, if they have continued long enough to corrupt the people; and thoſe who appear againſt them, ſeek only to ſet up themſelves, or their friends. Thus we ſee that in the civil wars of the Eaſt, the queſtion was, whether Artaxerxes or Cyrus, Phraates or Bardanes, ſhould reign over the Perſians and Parthians: the people ſuffer'd equally from both whilſt the conteſts laſted; and the deciſion left them under the power of a proud and cruel maſter. The like is ſeen in all places. After the death of Brutus and Caſſius, no war was ever undertaken in the Roman empire upon a better ac-

count than one man's private concernments: the provinces ſuffer'd under all; and he, whom they had aſſiſted to overthrow one wicked tyrant, very often proved worſe than his predeceſſor. And the only ground of all the diſſenſions with which France was vexed under the princes of Meroveus and Pepin's races, were, which of them ſhould reign, the people remaining miſerable under them all.

The caſe is not much different in mixed monarchies: ſome wars may be undertaken upon a juſt and public account, but the pretences are commonly falſe; a laſting reformation is hardly introduced, an intire change often diſliked. And tho' ſuch kingdoms are frequently and terribly diſtracted, as appears by the beforemention'd examples of England, Spain, &c. the quarrels are for the moſt part begun upon perſonal titles, as between Henry the firſt and Robert; Stephen and Maud; or the houſes of Lancaſter and York: and the people who get nothing by the victory which way ſoever it fall, and might therefore prudently leave the competitors to decide their own quarrels, like Theoreſtes and Polinices, with their own ſwords, become cruelly engaged in them.

It may ſeem ſtrange to ſome that I mention ſeditions, tumults, and wars, upon juſt occaſions; but I can find no reaſon to retract the term. God intending that men ſhould live juſtly with one another, does certainly intend that he or they who do no wrong, ſhould ſuffer none; and the law that forbids injuries, were of no uſe, if no penalty might be inflicted on thoſe that will not obey it. If injuſtice therefore be evil, and injuries be forbidden, they are alſo to be puniſhed; and the law inſtituted for their prevention, muſt neceſſarily intend the avenging of ſuch as cannot be prevented. The work

work of the magiſtracy is to execute this law; the ſword of juſtice is put into their hands to reſtrain the fury of thoſe within the ſociety who will not be a law to themſelves; and the ſword of war to protect the people againſt the violence of foreigners. This is without exception, and would be in vain if it were not. But the magiſtrate who is to protect the people from injury, may, and is often known not to have done it: he ſometimes renders his office uſeleſs by neglecting to do juſtice; ſometimes miſchievous by overthrowing it. This ſtrikes at the root of God's general ordinance, that there ſhould be laws; and the particular ordinances of all ſocieties that appoint ſuch as ſeem beſt to them. The magiſtrate therefore is comprehended under both, and ſubject to both, as well as private men.

The ways of preventing or puniſhing injuries, are judicial or extrajudicial. Judicial proceedings are of force againſt thoſe who ſubmit or may be brought to trial, but are of no effect againſt thoſe who reſiſt, and are of ſuch power that they cannot be conſtrained. It were abſurd to cite a man to appear before a tribunal who can awe the judges, or has armies to defend him; and impious to think that he who has added treachery to his other crimes, and uſurped a power above the law, ſhould be protected by the enormity of his wickedneſs. Legal proceedings therefore are to be uſed when the delinquent ſubmits to the law; and all are juſt, when he will not be kept in order by the legal.

The word ſedition is generally applied to all numerous aſſemblies, without or againſt the authority of the magiſtrate, or of thoſe who aſſume that power. Athaliah and Jezabel were more ready to cry out treaſon than David; and examples of that ſort are ſo frequent, that I need not alledge them.

Tumult

Tumult is from the diſorderly manner of thoſe aſſemblies, where things can ſeldom be done regularly; and war is that "Decertatio per vim," or trial by force, to which men come when other ways are ineffectual.

If the laws of God and men are therefore of no effect, when the magiſtracy is left at liberty to break them; and if the luſts of thoſe who are too ſtrong for the tribunals of juſtice, cannot be otherwiſe reſtrained than by ſedition, tumults and war, thoſe ſeditions, tumults, and wars, are juſtified by the laws of God and man.

I will not take upon me to enumerate all the caſes in which this may be done, but content myſelf with three, which have moſt frequently given occaſion for proceedings of this kind.

The firſt is, when one or more men take upon them the power and name of a magiſtracy, to which they are not juſtly called.

The ſecond, when one or more being juſtly called, continue in their magiſtracy longer than the laws by which they are called do preſcribe.

And the third, when he or they who are rightly called, do aſſume a power, tho' within the time preſcribed, that the law does not give; or turn that which the law does give, to an end different and contrary to that which is intended by it.

For the firſt; Filmer forbids us to examine titles: he tells us, we muſt ſubmit to the power, whether acquired by uſurpation or otherwiſe, not obſerving the miſchievous abſurdity of rewarding the moſt deteſtable villanies with the higheſt honours, and rendring the veneration due to the ſupreme magiſtrate as father of the people, to one who has no other advantage above his brethren, than what he has gained by injuriouſly diſpoſſeſſing or murdering him that

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was ſo. Hobbs fearing the advantages that may be taken from ſuch deſperate nonſenſe, or not thinking it neceſſary to his end to carry the matter ſo far, has no regard at all to him who comes in without title or conſent; and denying him to be either king or tyrant, gives him no other name than Hoſtis & Latro, and allows all things to be lawful againſt him, that may be done to a public enemy or pirate: which is as much as to ſay, any man may deſtroy him how he can. Whatever he may be guilty of in other reſpects, he does in this follow the voice of mankind, and the dictates of common ſenſe: for no man can make himſelf a magiſtrate for himſelf; and no man can have the right of a magiſtrate, who is not a magiſtrate*. If he be juſtly accounted an enemy to all, who injures all; he above all muſt be the public enemy of a nation, who by uſurping a power over them, does the greateſt and moſt public injury that a people can ſuffer: for which reaſon, by an eſtabliſhed law among the moſt virtuous nations, every man might kill a tyrant; and no names are recorded in hiſtory with more honour, than of thoſe who did it.

Theſe are by our authors called "Tyranni ſine "titulo," and that name is given to all thoſe who obtain the ſupreme power by illegal and unjuſt means. The laws which they overthrow can give them no protection; and every man is a ſoldier againſt him who is a public enemy.

The ſame rule holds tho' they are more in number, as the Magi who uſurped the dominion of Perſia after the death of Cambyſes; the thirty tyrants at Athens overthrown by Thraſibulus; thoſe of Thebes ſlain by Pelopidas; the Decemviri of Rome, and others; for tho' the multitude of offenders may

* De Civ. l. 2,

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ſometimes procure impunity, yet that act which is wicked in one, muſt be ſo in ten or twenty; and whatſoever is lawful againſt one uſurper, is ſo againſt them all.

2. If thoſe who were rightly created, continue beyond the time limited by the law, 'tis the ſame thing. That which is expir'd, is as it had never been. He that was created conſul for a year, or dictator for ſix months, was after that a private man; and if he had continued in the exerciſe of his magiſtracy, had been ſubject to the ſame puniſhment as if he had uſurped it at the firſt. This was known to Epaminondas, who finding that his enterprize againſt Sparta could not be accompliſhed within the time for which he was made Bœotarches, rather choſe to truſt his countrymen with his life than to deſiſt, and was ſaved meerly through an admiration of his virtue, aſſurance of his good intentions, and the glory of the action.

The Roman Decemviri, tho' duly elected, were proceeded againſt as private men uſurping the magiſtracy, when they continued beyond their time. Other magiſtracies had ceaſed; there was none that could regularly call the ſenate or people to an aſſembly: but when their ambition was manifeſt, and the people exaſperated by the death of Virginia, they laid aſide all ceremonies. The ſenate and people met, and exerciſing their authority in the ſame manner as if they had been regularly called by the magiſtrate appointed to that end, they abrogated the power of the Decemviri, proceeded againſt them as enemies and tyrants, and by that means preſerved themſelves from utter ruin.

3. The ſame courſe is juſtly uſed againſt a legal magiſtrate, who takes upon him (tho' within the time preſcribed by the law) to exerciſe a power which

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the law does not give: for in that reſpect he is a private man, "Quia, as Grotius ſays, eatenus non "habet imperium;" and may be reſtrain'd as well as any other, becauſe he is not ſet up to do what he liſts, but what the law appoints for the good of the people; and as he has no other power than what the law allows, ſo the ſame law limits and directs the exerciſe of that which he has. This right naturally belonging to nations, is no way impair'd by the name of ſupreme given to their magiſtrates; for it ſignifies no more, than that they do act ſovereignly in the matters committed to their charge. Thus are the parliaments of France called Cours Soveraines; for they judge of life and death, determine controverſies concerning eſtates; and there is no appeal from their decrees: but no man ever thought, that it was therefore lawful for them to do what they pleaſed; or that they might not be oppoſed, if they ſhould attempt to do that which they ought not. And tho' the Roman dictators and conſuls were ſupreme magiſtrates, they were ſubject to the people, and might be puniſhed as well as others if they tranſgreſſed the law. Thuanus carries the word ſo far, that when Barlotta, Giuſtiniano, and others who were but colonels, were ſent as commanders in chief of three or four thouſand men upon an enterprize, he always ſays, "Summum Imperium ei delatum." Grotius explains this point, by diſtinguiſhing thoſe who have the "ſummum Imperium ſummo modo," from thoſe who have it "modo non ſummo." I know not where to find an example of this ſovereign power, enjoy'd without reſtriction, under a better title than Occupation; which relates not to our purpoſe, who ſeek only that which is legal and juſt. Therefore laying aſide that point for the preſent, we may follow Grotius in examining the right of thoſe who are certainly

certainly limited: "Ubi partem Imperii habet rex, "partem ſenatus ſive populus;" in which caſe he ſays, "Regi in partem non ſuam involanti, vis juſta "opponi poteſt*," in as much as they who have a part, cannot but have a right of defending that part. "Quia data facultate, datur jus facultatem tuendi," without which it could be of no effect.

The particular limits of the rights belonging to each, can only be judged by the preciſe letter, or general intention of the law. The dukes of Venice have certainly a part in the government, and could not be called magiſtrates if they had not. They are ſaid to be ſupreme; all laws and public acts bear their names. The ambaſſador of that ſtate ſpeaking to pope Paul the fifth†, denied that he acknowledged any other ſuperior than God. But they are ſo well known to be under the power of the law, that divers of them have been put to death for tranſgreſſing it; and a marble gallows is ſeen at the foot of the ſtairs in St. Mark's palace, upon which ſome of them, and no others, have been executed. But if they may be duly oppoſed, when they commit undue acts, no man of judgment will deny, that if one of them by an outragious violence ſhould endeavour to overthrow the law, he might by violence be ſurpreſſed and chaſtiſed.

Again, ſome magiſtrates are entruſted with a power of providing ſhips, arms, ammunition, and victuals for war; raiſing and diſciplining ſoldiers, appointing officers to command in forts and gariſons, and making leagues with foreign princes and ſtates. But if one of theſe ſhould embezel, ſell, or give to an enemy thoſe ſhips, arms, ammunition or proviſions; betray the forts; employ only or principally, ſuch men as will ſerve him in thoſe wicked actions; and, con-

* Grot. de jur. bel. & pac. l. 2. † Thuan. l. 137.

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trary to the truſt repoſed in him, make ſuch leagues with foreigners, as tend to the advancement of his perſonal intereſts, and to the detriment of the public, he abrogates his own magiſtracy; and the right he had, periſhes (as the lawyers ſay) fruſtratione finis. He cannot be protected by the law which he has overthrown, nor obtain impunity for his crimes from the authority that was conferred upon him, only that he might do good with it. He was ſingulis major on account of the excellence of his office; but univerſis minor, from the nature and end of his inſtitution. The ſureſt way of extinguiſhing his prerogative, was by turning it to the hurt of thoſe who gave it. When matters are brought to this poſture, the author of the miſchief, or the nation muſt periſh. A flock cannot ſubſiſt under a ſhepherd that ſeeks its ruin, nor a people under an unfaithful magiſtrate. Honour and riches are juſtly heaped upon the heads of thoſe who rightly perform their duty, becauſe the difficulty as well as the excellency of the work is great. It requires courage, experience, induſtry, fidelity and wiſdom. The good ſhepherd, ſays our Saviour, lays down his life for his ſheep: the hireling who flies in time of danger, is repreſented under an ill character; but he that ſets himſelf to deſtroy his flock is a wolf. His authority is incompatible with their ſubſiſtence; and whoever diſapproves tumults, ſeditions or war, by which he may be removed from it, if gentler means are ineffectual, ſubverts the foundation of all law, exalts the fury of one man to the deſtruction of a nation; and giving an irreſiſtible power to the moſt abominable iniquity, expoſes all that are good to be deſtroy'd, and virtue to be utterly extinguiſhed.

Few will allow ſuch a preeminence to the Dukes of Venice or Genoa, the Advoyers of Switzerland, or the Burgomaſters of Amſterdam. Many will ſay theſe are raſcals if they prove falſe, and ought rather to be hang'd, than ſuffer'd to accompliſh the villanies they deſign. But if this be confeſs'd in relation to the higheſt magiſtrates that are among thoſe nations, why ſhould not the ſame be in all others, by what name ſoever they are called? When did God confer upon thoſe nations the extraordinary privilege of providing better for their own ſafety than others? Or was the gift univerſal, tho' the benefit accrue only to thoſe who have baniſhed great titles from among them? If this be ſo, 'tis not their felicity, but their wiſdom that we ought to admire and imitate. But why ſhould any think their anceſtors had not the ſame care? Have not they, who retain'd in themſelves a power over a magiſtrate of one name, the like over another? Is there a charm in words, or any name of ſuch efficacy, that he who receives it ſhould immediately become maſter of thoſe that created him, whereas all others do remain for ever ſubject to them? Would the Venetian government change its nature, if they ſhould give the name of king to their prince? Are the Polanders leſs free ſince the title of king is conferr'd upon their dukes? or are the Muſcovites leſs ſlaves, becauſe their chief magiſtrate has no other than that of duke? If we examine things but a little, 'twill appear that magiſtrates have enjoy'd large powers, who never had the name of kings; and none were ever more reſtrained by laws than thoſe of Sparta, Arragon, the Goths in Spain, Hungary, Bohemia, Sweden, Denmark, Poland, and others, who had that title. There is therefore no ſuch thing as a right univerſally belonging to a name; but every one

one enjoys that which the laws, by which he is, confer upon him. The law that gives the power, regulates it; and they who give no more than what they pleaſe, cannot be obliged to ſuffer him to whom they give it, to take more than they thought fit to give, or to go unpuniſhed if he do. The agreements made are always confirmed by oath, and the treachery of violating them is conſequently aggravated by perjury. They are good philoſophers and able divines, who think this can create a right to thoſe who had none; or that the laws can be a protection to ſuch as overthrow them, and give opportunity of doing the miſchiefs they deſign. If it do not, then he that was a magiſtrate, by ſuch actions returns into the condition of a private man; and whatever is lawful againſt a thief who ſubmits to no law, is lawful againſt him.

Men who delight in cavils may aſk, Who ſhall be the judge of theſe occaſions? And whether I intend to give the people the deciſion of their own cauſe? To which I anſwer, that when the conteſt is between the magiſtrate and the people, the party to which the determination is referred, muſt be the judge of his own caſe; and the queſtion is only, whether the magiſtrate ſhould depend upon the judgment of the people, or the people on that of the magiſtrate; and which is moſt to be ſuſpected of injuſtice: that is, whether the people of Rome ſhould judge Tarquin, or Tarquin judge the people. He that knew all good men abhorred him for the murder of his wife, brother, father-in-law, and the beſt of the ſenate, would certainly ſtrike off the heads of the moſt eminent remaining poppies; and having incurr'd the general hatred of the people by the wickedneſs of his government, he feared revenge; and endeavouring to deſtroy thoſe he feared (that is

the city) he might eaſily have accompliſh'd his work, if the judgment had been referred to him. If the people judge Tarquin, 'tis hard to imagine how they ſhould be brought to give an unjuſt ſentence: they loved their former kings, and hated him only for his villanies: they did not fancy, but know his cruelty. When the beſt were ſlain, no man that any way reſembled them could think himſelf ſecure. Brutus did not pretend to be a fool, till by the murder of his brother he found how dangerous a thing it was to be thought wiſe. If the people, as our author ſays, be always lewd, fooliſh, mad, wicked, and deſirous to put the power into the hands of ſuch as are moſt like to themſelves, he and his ſons were ſuch men as they ſought, and he was ſure to find favourable judges: if virtuous and good, no injuſtice was to be feared from them, and he could have no other reaſon to decline their judgment, than what was ſuggeſted by his own wickedneſs. Caligula, Nero, Domitian, and the like, had probably the ſame conſiderations: but no man of common ſenſe ever thought that the ſenate and people of Rome did not better deſerve to judge, whether ſuch monſters ſhould reign over the beſt part of mankind to their deſtruction, than they to determine whether their crimes ſhould be puniſhed or not.

If I mention ſome of theſe known caſes, every man's experience will ſuggeſt others of the like nature; and whoſoever condemns all ſeditions, tumults and wars raiſed againſt ſuch princes, muſt ſay, that none are wicked, or ſeek the ruin of their people, which is abſurd; for Caligula wiſh'd the people had but one neck, that he might cut it off at a blow: Nero ſet the city on fire; and we have known ſuch as have been worſe than either of them:

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they muſt either be ſuffer'd to continue in the free exerciſe of their rage, that is, to do all the miſchief they deſign; or muſt be reſtrain'd by a legal, judicial, or extrajudicial way; and they who diſallow the extrajudicial, do as little like the judicial. They will not hear of bringing a ſupreme magiſtrate before a tribunal, when it may be done. "They will, ſays "our author, depoſe their kings." Why ſhould they not be depoſed, if they become enemies to their people, and ſet up an intereſt in their own perſons inconſiſtent with the public good, for the promoting of which they were erected? If they were created by the public conſent, for the public good, ſhall they not be removed when they prove to be of public damage? If they ſet up themſelves, may they not be thrown down? Shall it be lawful for them to uſurp a power over the liberty of others, and ſhall it not be lawful for an injur'd people to reſume their own? If injuſtice exalt itſelf, muſt it be for ever eſtabliſhed? Shall great perſons be rendred ſacred by rapine, perjury and murder? Shall the crimes for which private men do juſtly ſuffer the moſt grievous puniſhments, exempt them from all, who commit them in the higheſt exceſs, with moſt power, and moſt to the prejudice of mankind? Shall the laws that ſolely aim at the prevention of crimes be made to patronize them, and become ſnares to the innocent whom they ought to protect? Has every man given up into the common ſtore his right of avenging the injuries he may receive, that the public power which ought to protect or avenge him, ſhould be turned to the deſtruction of himſelf, his poſterity, and the ſociety into which they enter, without any poſſibility of redreſs? Shall the ordinance of God be rendred of no effect; or the powers he hath appointed to be ſet up for

the diſtribution of juſtice, be made ſubſervient to the luſts of one or a few men, and by impunity encourage them to commit all manner of crimes? Is the corruption of man's nature ſo little known, that ſuch as have common ſenſe ſhould expect juſtice from thoſe, who fear no puniſhment if they do injuſtice; or that the modeſty, integrity, and innocence, which is ſeldom found in one man, tho' never ſo cautiouſly choſen, ſhould be conſtantly found in all thoſe who by any means attain to greatneſs, and continue for ever in their ſucceſſors; or that there can be any ſecurity under their government, if they have them not? Surely if this were the condition of men living under government, foreſts would be more ſafe than cities; and 'twere better for every man to ſtand in his own defence, than to enter into ſocieties. He that lives alone might encounter ſuch as ſhould aſſault him upon equal terms, and ſtand or fall according to the meaſure of his courage and ſtrength; but no valour can defend him, if the malice of his enemy be upheld by a public power. There muſt therefore be a right of proceeding judicially or extrajudicially againſt all perſons who tranſgreſs the laws; or elſe thoſe laws, and the ſocieties that ſhould ſubſiſt by them, cannot ſtand; and the ends for which governments are conſtituted, together with the governments themſelves, muſt be overthrown. Extrajudicial proceedings by ſedition, tumult, or war, muſt take place, when the perſons concern'd are of ſuch power, that they cannot be brought under the judicial. They who deny this, deny all help againſt an uſurping tyrant, or the perfidiouſneſs of a lawfully created magiſtrate, who adds the crimes of ingratitude and treachery to uſurpation. Theſe of all men are the moſt dangerous enemies to ſupreme magiſtrates:

magiſtrates: for as no man deſires indemnity for ſuch crimes as are never committed, he that would exempt all from puniſhment, ſuppoſes they will be guilty of the worſt; and by concluding that the people will depoſe them if they have the power, acknowledge that they purſue an intereſt annexed to their perſons, contrary to that of their people, which they would not bear if they could deliver themſelves from it. This ſhewing all thoſe governments to be tyrannical, lays ſuch a burden upon thoſe who adminiſter them, as muſt neceſſarily weigh them down to deſtruction.

If it be ſaid that the word Sedition implies that which is evil; I anſwer, that it ought not then to be applied to thoſe who ſeek nothing but that which is juſt; and tho' the ways of delivering an oppreſſed people from the violence of a wicked magiſtrate, who having armed a crew of lewd villains, and fatted them with the blood and confiſcations of ſuch as were moſt ready to oppoſe him, be extraordinary, the inward righteouſneſs of the act doth fully juſtify the authors. He that has virtue and power to ſave a people, can never want a right of doing it. Valerius Aſiaticus had no hand in the death of Caligula; but when the furious guards began tumultuouſly to enquire who had kill'd him, he appeaſed them with wiſhing he had been the man*. No wiſe man ever aſked by what authority Thraſibulus, Harmodius, Ariſtogiton, Pelopidas, Epaminondas, Dion, Timoleon, Lucius Brutus, Publicola, Horatius, Valerius, Marcus Brutus, C. Caſſius, and the like, delivered their countries from tyrants. Their actions carried in themſelves their own juſtification, and their virtues will never be forgotten whilſt the

* Utinam feciſſem. *Tacit.*

names of Greece and Rome are remembred in the world.

If this be not enough to declare the juſtice inherent in, and the glory that ought to accompany theſe works, the examples of Moſes, Aaron, Othniel, Ehud, Barac, Gideon, Samuel, Jephtha, David, Jehu, Jehoiada, the Maccabees, and other holy men raiſed up by God for the deliverance of his people from their oppreſſors, decide the queſtion. They are perpetually renowned for having led the people by extraordinary ways (which ſuch as our author expreſs under the names of ſedition, tumult, and war) to recover their liberties, and avenge the injuries received from foreign or domeſtic tyrants. The work of the apoſtles was not in their time to ſet up or pull down any civil ſtate; but they ſo behaved themſelves in relation to all the powers of the earth, that they gained the name of peſtilent, ſeditious fellows, diſturbers of the people; and left it as an inheritance to thoſe, who in ſucceeding ages by following their ſteps ſhould deſerve to be called their ſucceſſors; whereby they were expoſed to the hatred of corrupt magiſtrates, and brought under the neceſſity of periſhing by them, or defending themſelves againſt them: and he that denies them that right, does at once condemn the moſt glorious actions of the wiſeſt, beſt, and holieſt men that have been in the world, together with the laws of God and man, upon which they were founded.

Nevertheleſs, there is a ſort of ſedition, tumult, and war proceeding from malice, which is always deteſtable, aiming only at the ſatisfaction of private luſt, without regard to the public good. This cannot happen in a popular government, unleſs it be amongſt the rabble; or when the body of the people is ſo corrupted,

corrupted, that it cannot ſtand; but is moſt frequent in, and natural to abſolute monarchies. When Abimelech deſir'd to make himſelf king *, he raiſed a tumult among the baſeſt of the people: he hired light and vain perſons, ſome tranſlations called them lewd vagabonds, kill'd his brethren, but periſhed in his deſign, the corrupt party that favour'd him not having ſtrength enough to ſubdue the other, who were more ſincere. Sp. Melius, Sp. Caſſius, and Manlius attempted the like in Rome: they acted maliciouſly, their pretences to procure the public good were falſe. 'Tis probable that ſome in the city were as bad as they, and knew that miſchief was intended; but the body of the people not being corrupted, they were ſuppreſſed. It appear'd, ſays Livy, "Nihil eſſe minus populare quam regnum:" they who had favour'd Manlius, condemned him to death when it was proved, that "egregias alioqui "virtutes fœda regni cupidine maculaſſet." But when the people is generally corrupted, ſuch deſigns ſeldom miſcarry, and the ſucceſs is always the erection of a tyranny. Nothing elſe can pleaſe vain and profligate perſons, and no tyranny was ever ſet up by ſuch as were better qualified. The ways of attaining it have always been by corrupting the manners of the people, bribing ſoldiers, entertaining mercenary ſtrangers, opening priſons, giving liberty to ſlaves, alluring indigent perſons with hopes of aboliſhing debts, coming to a new diviſion of lands, and the like. Seditions raiſed by ſuch men always tend to the ruin of popular governments; but when they happen under abſolute monarchies, the hurt intended is only to the perſon, who being removed, the promoters of them ſet up another; and he that is ſet up, ſubſiſting only by the ſtrength of thoſe who

* Jud. ix.

made him, is obliged to foment the vices that drew them to ſerve him; tho' another may perhaps make uſe of the ſame againſt him.

The conſequence of this is, that thoſe who uphold popular governments, look upon vice and indigence as miſchiefs that naturally increaſe each other, and equally tend to the ruin of the ſtate. When men are by vice brought into want, they are ready for miſchief: there is no villany that men of profligate lives, loſt reputation, and deſperate fortunes will not undertake. Popular equality is an enemy to theſe; and they who would preſerve it muſt preſerve integrity of manners, ſobriety, and an honeſt contentedneſs with what the law allows. On the other ſide, the abſolute monarch who will have no other law than his own will, deſires to increaſe the number of thoſe who through lewdneſs and beggary may incline to depend upon him; tho' the ſame temper of mind, and condition of fortune prepare them alſo for ſuch ſeditions as may bring him into danger; and the ſame corruption which led them to ſet him up, may invite them to ſell him to another that will give them better wages.

I do not by this conclude that all monarchs are vicious men; but that whoever will ſet up an abſolute power, muſt do it by theſe means; and that if ſuch a power be already eſtabliſhed, and ſhould fall into the hands of a perſon, who by his virtue and the gentleneſs of his nature ſhould endeavour to render the yoke ſo eaſy, that a better diſciplin'd people might be contented to bear it; yet this method could laſt no longer than his life, and probably would be a means to ſhorten it; that which was at firſt eſtabliſhed by evil arts always returning to the ſame: that which was vicious in the principle, can never be long upheld by virtue; and we ſee that the worſt

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of the Roman emperors were not in greater danger from ſuch good men as remained undeſtroy'd, than the beſt from the corrupt party that would not be corrected, and ſought ſuch a maſter as would lay no reſtriction upon their vices. Thoſe few who eſcaped the rage of theſe villains, only gave a little breathing time to the afflicted world, which by their children or ſucceſſors was again plunged into that extremity of miſery, from which they intended to deliver it. An extraordinary virtue was required to keep a prince in a way contrary to the principles of his own government; which being rarely found, and never continuing long in a family or ſucceſſion of men, the endeavours of the beſt became ineffectual, and either they themſelves periſhed in them, or after their death all things returned into the old polluted channel.

Tho' the power of the Hebrew kings was not unlimited, yet it exceeded the rules ſet by God, and was ſufficient to increaſe the number of the worſt of men, and to give them opportunities of raiſing perpetual diſturbances. On the king's ſide there were flatterers and inſtruments of miſchief: on the other ſide there were indebted and diſcontented perſons. Notwithſtanding the juſtice of David's cauſe, the wiſdom, valour, and piety of his perſon, none would follow him, except a few of his own kindred (who knew what God had promiſed to him) and ſuch as were uneaſy in their worldly circumſtances. After the death of Saul there was a long and bloody war between Iſhboſheth and David. The former being killed, the ſlighteſt matters were ſufficient to put the whole nation into blood. Abſalom with a few fair words was able to raiſe all Iſrael againſt his father: Sheba the ſon of Bichri with as much eaſe raiſed a more dangerous tumult: David by wiſdom, valour,

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and the bleſſing of God ſurmounted theſe difficulties, and prepared a peaceable reign for Solomon; but after his death they broke out into a flame that was never quenched till the nation was ſo diſperſed that no man knew where to find his enemies. Solomon by his magnificence had reduced Iſrael to ſuch poverty, as inclin'd them to revolt upon the firſt offer of an opportunity by Jeroboam. From that time forward Iſrael was perpetually vexed with civil ſeditions and conſpiracies, or wars with their brethren of Judah. Nine kings with their families were deſtroyed by the firſt, and the latter brought ſuch ſlaughters upon the miſerable people as were never ſuffer'd by any who were not agitated by the like fury; and the courſe of theſe miſchiefs was never interrupted, till they had brought the nation into captivity, and the country to deſolation. Tho' God according to his promiſe did preſerve a light in the houſe of David, yet the tribe of Judah was not the more happy. Joaſh was ſlain by a private conſpiracy, and Amaziah (as is moſt probable) by public authority, for having fooliſhly brought a terrible ſlaughter upon Judah. Athaliah deſtroyed the king's race, and was killed her ſelf by Jehoiada, who not having learnt from our author to regard the power only, and not the ways by which it was obtained, cauſed her to be dragg'd out of the temple, and put to a well-deſerved death. The whole ſtory is a tragedy: and if it be pretended that this proceeded rather from the wrath of God againſt his people for their idolatry, than from ſuch cauſes as are applicable to other nations; I anſwer, that this idolatry was the production of the government they had ſet up, and moſt ſuitable to it; and chooſing rather to ſubject themſelves to the will of a man, than to the law of God,

God, they deſervedly ſuffer'd the evils that naturally follow the worſt counſels. We know of none who, taking the like courſe, have not ſuffer'd the like miſeries. Notwithſtanding the admirable virtue and ſucceſs of Alexander, his reign was full of conſpiracies, and his knowledge of them prompted him to deſtroy Parmenio, Philotas, Clitus, Caliſthenes, Hermolaus, and many more of his beſt friends. If he eſcaped the ſword, he fell by poiſon. The murder of his wives, mother and children, by the rage of his own ſoldiers; the fury of his captains employed in mutual ſlaughters, till they were conſumed; his paternal kingdom after many revolutions transferred to Caſſander his moſt mortal enemy; the utter extinction of his conquering army, and particularly the famous Argyraſpides, who being grown faithleſs and ſeditious, after the death of Eumenes, were ſent to periſh in unknown parts of the Eaſt, abundantly teſtify the admirable ſtability, good order, peace, and quiet that is enjoy'd under abſolute monarchy. The next government of the like nature that appeared upon the ſtage of the world was that of Rome, introduced by wars that conſumed two thirds of the people; confirmed by proſcriptions, in which all that were eminent for nobility, riches, or virtue, periſhed. The peace they had under Auguſtus was like that which the devil allow'd to the child in the goſpel, whom he rent ſorely, and left as dead *. The miſerable city was only caſt into a ſwoon: after long and violent vexations by ſeditions, tumults and wars, it lay as dead; and finding no helper like to him who cured the child, it was delivered to new devils to be tormented, till it was utterly deſtroy'd. Tiberius was appointed as

* Mar. xix. 21.

a fit inſtrument for ſuch a purpoſe. It was thought that thoſe who ſhould feel the effects of his pride, cruelty, and luſt, would look upon the death of Auguſtus as a loſs. He performed the work for which he was choſen; his reign was an uninterrupted ſeries of murders, ſubornations, perjuries, and poiſonings, intermixed with the moſt deteſtable impurities, the revolts of provinces, and mutinies of armies. The matter was not mended by his ſucceſſors: Caligula was kill'd by his own guards: Claudius poiſon'd by his wife: Spain, Gaul, Germany, Pannonia, Mæſia, Syria, and Ægypt, revolted at once from Nero; the people and ſenate followed the example of the provinces. This I think was, in our author's ſenſe, ſedition with a witneſs. Nero being dead by the hand of a ſlave, or his own to prevent that of the hangman, Galba enter'd the city with blood and ſlaughter; but when his own ſoldiers found he would not give the money for which they intended to ſell the empire, they killed him: and to ſhew the ſtability of abſolute monarchy, it may be obſerved, that this was not done by the advice of the ſenate, or by a conſpiracy of great men; "Suſcepêre "duo manipulares populi Romani imperium trans-"ferendum, & tranſtulerunt*." Two raſcals gave the empire to Otho, and the whole ſenate was like to be butcher'd for not being ſo ready to follow their venerable authority as they ought to have been, and hardly eſcaped the fury of their mad and drunken companions. As a farther teſtimony that theſe monarchies are not ſubject to ſeditions and tumults, he had at once only two competitors againſt whom he was to defend the well-acquired empire: his army was defeated at Breſcia, he kill'd himſelf; and his ſucceſſor Vitellius was ſoon after thrown into the

* C. Tacit. Hiſt. l. 1.

common

common ſhore. The ſame method ſtill continued: Rome was fill'd with blood and aſhes; and to recite all the public miſchiefs would be to tranſcribe the hiſtory: for as Pyrrhus being aſked who ſhould ſucceed him, anſwered, He who has the ſharpeſt ſword; that was the only law that governed in the following ages. Whoever could corrupt two or three legions, thought he had a good title to the empire; and unleſs he happen'd to be kill'd by treachery, or another tumult of his own ſoldiers, he ſeldom receded from it without a battle, wherein he that was moſt ſucceſsful, had no other ſecurity than what the preſent temper of the ſoldiers afforded him; and the miſerable provinces having neither virtue nor force, were obliged ſlaviſhly to follow the fury or fortune of thoſe villains. In this ſtate did Rome dedicate to Conſtantine the triumphal arch that had been prepared for Maxentius; and thoſe provinces which had ſet up Albinus and Niger ſubmitted to Septimius Severus. In the vaſt variety of accidents that in thoſe ages diſturbed the world, no emperor had a better title than what he purchaſed by money or violence; and enjoyed it no longer than thoſe helps continued, which of all things were the moſt uncertain. By this means moſt of the princes periſhed by the ſword, Italy was made deſolate, and Rome was ſeveral times ſackt and burnt. The miſtreſs of the world being made a ſlave, the provinces which had been acquired by the blood of her antient virtuous citizens, became part of an uſurper's patrimony, who without any regard to the public good, diſtributed them to his children according to their number, or his paſſion. Theſe either deſtroy'd one another, or fell under the ſword of a third who had the fortune of their father, the greateſt part moſt commonly falling to the ſhare of the worſt. If at

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any time the contrary happened, the government of the beſt was but a lucid interval. Well-wiſhing men grew more extremely to abhor the darkneſs that follow'd when they were gone. The beſt of them could do no more than ſuſpend miſchief for a while, but could not correct the corrupt principle of their government; and ſome of them were deſtroyed as ſoon as they were thought to intend it: and others who finiſhed their days in peace, left the empire to ſuch perſons of their relations as were moſt unlike to them. Domitian came in as brother to Titus. Commodus and Heliogabalus were recommended by the memory of thoſe virtues that had been found in Antoninus and Aurelius. Honorius and Arcadius, who by their baſeneſs brought utter ruin upon the weſtern and eaſtern empires, were the ſons of the brave Theodoſius. They who could keep their hands free from blood, and their hearts from malice, covetouſneſs, and pride, could not tranſmit their virtues to their ſucceſſors, nor correct the perverſeneſs that lay at the root and foundation of their government. The whole maſs of blood was vitiated: the body was but one vaſt ſore, which no hand but that of the Almighty could heal; and he who from an abhorrence of iniquity had declared he would not hear the cries of his own people, when they had choſen the thing that was not good, would not ſhew mercy to ſtrangers who had done the ſame thing.

I have inſiſted upon the Hebrew, Macedonian and Roman hiſtories, becauſe they are the moſt eminent and beſt known to us: we are in the dark concerning the Babylonian, Aſſyrian, Chaldean, Bactrian, and Egyptian monarchies: we know little more of them than the ſcripture occaſionally relates concerning their barbarous cruelty, beſtial pride, and extravagant

vagant folly. Others have been like to them, and I know not where to find a peaceable monarchy unleſs it be in Peru, where the Ynca Garcilaſſo de la Vega ſays, that a man and a woman, children of the ſun and moon, appearing amongſt a barbarous people living without any religion or law, eſtabliſhed a government amongſt them, which continued in much peace and juſtice for twelve generations: but this ſeeming to be as fabulous as their birth, we may paſs it over, and fix upon thoſe that are better known; of which there is not one that has not ſuffered more dangerous and miſchievous ſeditions, than all the popular governments that have been in the world: and the condition of thoſe kingdoms which are not abſolute, and yet give a preference to birth, without conſideration of merit or virtue, is not much better.

This is proved by the reaſons of thoſe ſeditions and tumults, as well as from the fact itſelf.

The reaſons do ariſe from the violence of the paſſions that incite men to them, and the intricacy of the queſtions concerning ſucceſſion.

Every man has paſſions; few know how to moderate, and no one can wholly extinguiſh them. As they are various in their nature, ſo they are governed by various objects; and men uſually follow that which is predominant in them, whether it proceed from anger or deſire, and whether it terminate in ambition, covetouſneſs, luſt, or any other more or leſs blameable appetite. Every manner of life furniſhes ſomething, that in ſome meaſure may foment theſe; but a crown comprehends all that can be grateful to the moſt violent and vicious. He who is covetous, has vaſt revenues, beſides what he may get by fraud and rapine, to ſatisfy his appetite. If he be

given

given to ſenſuality, the variety of pleaſures, and the facility of accompliſhing whatever he deſires, tends farther to inflame that paſſion. Such as are ambitious, are incited by the greatneſs of their power to attempt great matters; and the moſt ſottiſh or lazy may diſcharge themſelves of cares, and hope that others will be eaſily hired to take the burden of buſineſs upon them whilſt they lie at eaſe. They who naturally incline to pride and cruelty, are more violently tempted to uſurp dominion; and the wicked advices of flatterers, always concurring with their paſſions, incite them to exerciſe the power they have gotten with the utmoſt rigour, to ſatiate their own rage, and to ſecure themſelves againſt the effects of the public hatred, which they know they have deſerved. If there be, as our author ſays, no other rule than force and ſucceſs, and that he muſt be taken for the father of a people who is in poſſeſſion of a power over them; whoever has the one, may put the other to a trial. Nay, even thoſe who have regard to juſtice, will ſeldom want reaſons to perſuade them that it is on their ſide. Something may be amiſs in the ſtate; injuries may be done to themſelves and their friends. Such honours may be denied as they think they deſerve; or others of leſs merit, as they ſuppoſe, may be preferred before them. Men do ſo rarely make a right eſtimate of their own merits, that thoſe who mean well may be often deceived: and if nothing but ſucceſs be requir'd to make a monarch, they may think it juſt to attempt whatever they can hope to accompliſh. This was the caſe of Julius Cæſar; he thought all things lawful, when the conſulate, which he ſuppoſed he had deſerved, was denied.

" Viri-

" Viribus utendum eſt quas fecimus: arma tenenti
" Omnia dat qui juſta negat."

LUCAN.

Theſe enterprizes ſeem to belong to men of great ſpirits; but there are none ſo baſe not to be capable of undertaking, and (as things may ſtand) of bringing them to perfection. Hiſtory repreſents no man under a more contemptible character of ſottiſh lazineſs, cowardice, and drunkenneſs, than Vitellius; no one more impure and ſordid than Galba: Otho was advanced for being in his manners like to Nero: Veſpaſian was ſcorned for his avarice, till the power fell into ſuch hands as made the world believe none could be unworthy of the empire; and in the following ages the worſt men by the worſt means moſt frequently obtained it.

Theſe wounds are not cured by ſaying, that the law of God and nature prevents this miſchief, by annexing the ſucceſſion of crowns to proximity of blood; for mankind had not been continually afflicted with them, if there had been ſuch a law, or that they could have been prevented by it: and tho' there were ſuch a law, yet more queſtions would ariſe about that proximity, than any wiſe man would dare to determine. The law can be of no effect, unleſs there be a power to decide the conteſts ariſing upon it: but the fundamental maxim of the great monarchies is, that there can be no interregnum: the heir of the crown is in poſſeſſion, as ſoon as he who did enjoy it is dead. " Le Mort," as the French ſay, " ſaiſit le vif:" There can be therefore no ſuch law, or it ſerves for nothing. If there be judges to interpret the law, no man is a king till judgment be given in his favour; and he is not king by his own title, but by the ſentence given by them.

If there be none, the law is merely imaginary, and every man may in his own caſe make it what he pleaſes. He who has a crown in his view, and arms in his hand, wants nothing but ſucceſs to make him a king; and if he proſper, all men are obliged to obey him.

'Tis a folly to ſay the matter is clear, and needs no deciſion; for every man knows that no law concerning private inheritances can be ſo exactly drawn, but many controverſies will ariſe upon it, that muſt be decided by a power to which both parties are ſubject: and the diſputes concerning kingdoms are ſo much the more difficult, becauſe this law is no where to be found; and the more dangerous, becauſe the competitors are for the moſt part more powerful.

Again, this law muſt either be general to all mankind, or particular to each nation. If particular, a matter of ſuch importance requires good proof, when, where, how, and by whom it was given to every one. But the ſcriptures teſtifying to the contrary, that God gave laws to the Jews only, and that no ſuch thing as hereditary monarchy, according to proximity of blood, was preſcribed by them, we may ſafely ſay, that God did never give any ſuch law to every particular, nor to any nation. If he did not give it to any one, he did not give it to all, for every one is comprehended in all; and if no one has it, 'tis impoſſible that all can have it; or that it ſhould be obligatory to all, when no man knows or can tell, when, where, and by what hand it was given, nor what is the ſenſe of it: all which is evident by the various laws and cuſtoms of nations in the diſpoſal of hereditary ſucceſſions: and no one of them, that we know, has to this day been

been able to ſhew that the method follow'd by them, is more according to nature than that of others.

If our author pretend to be God's interpreter, and to give the ſolution of theſe doubts, I may aſk which of the five following ways are appointed by God, and then we may examine caſes reſulting from them.

1. In France, Turky, and other places, the ſucceſſion comes to the next male, in the ſtreight eldeſt line, according to which the ſon is preferred before the brother of him who laſt enjoy'd the crown, (as the preſent king of France before his uncle the duke of Orleans) and the ſon of the eldeſt before the brothers of the eldeſt; as in the caſe of Richard the ſecond of England, who was advanced preferably to all the brothers of the black prince his father.

2. Others keep to the males of the reigning family, yet have more regard to the eldeſt man than to the eldeſt line: and repreſentation taking no place among them, the eldeſt man is thought to be neareſt to the firſt king; and a ſecond ſon of the perſon that laſt reigned, to be nearer to him than his grandchild by the eldeſt ſon: according to which rule, any one of the ſons of Edward the third remaining after his death, ſhould have been preferr'd before Richard the ſecond who was his grandchild.

3. In the two caſes beforementioned, no manner of regard is had to females, who being thought naturally incapable of commanding men, or performing the functions of a magiſtrate, are, together with their deſcendants, utterly excluded from the ſupreme as well as from the inferior magiſtracies; and in Turky, France, and other great kingdoms, have no pretence to any title: but in ſome places, and particularly in England, the advantages of proximity belong to them as well as to males; by which means

our crown has been tranſported to ſeveral families and nations.

4. As in ſome places they are utterly rejected, and in others received ſimply without any condition; ſo thoſe are not wanting, where that of not marrying out of the country, or without the conſent of the eſtates, is impoſed, of which Sweden is an example.

5. In ſome places proximity of blood is only regarded, whether the iſſue be legitimate or illegitimate; in others baſtards are wholly excluded.

By this variety of judgments made by ſeveral nations upon this point, it may appear, that tho' it were agreed by all that the next in blood ought to ſucceed, yet ſuch conteſts would ariſe upon the interpretation and application of the general rule, as muſt neceſſarily be a perpetual ſpring of irreconcileable and mortal quarrels.

If any man ſay, the rule obſerved in England is that which God gave to mankind; I leave him firſt to diſpute that point with the kings of France, and many others, who can have no right to the crowns they wear, if it be admitted; and in the next place to prove that our anceſtors had a more immediate communication with God, and a more certain knowledge of his will than others, who for any thing we know, may be of authority equal to them: but in the mean time we may rationally conclude, that if there be ſuch a rule, we have had no king in England for the ſpace of almoſt a thouſand years, having not had one who did not come to the crown by a moſt manifeſt violation of it; as appears by the fore-cited examples of William the firſt and ſecond; Henry the firſt, Henry the ſecond and his children; John, Edward the third, Henry the fourth, Edward the fourth and his children; Henry the ſeventh, and all that claim under any of them. And if poſ-

ſeſſion

ſeſſion or ſucceſs can give a right, it will I think follow, that Jack Straw, Wat Tyler, Perkin Warbeck, or any other raſcal, might have had it if he had been as happy as bold in his enterprize. This is no leſs than to expoſe crowns to the firſt that can ſeize them, to deſtroy all law and rule, and to render right a ſlave to fortune. If this be ſo, a late earl of Pembroke, whoſe underſtanding was not thought great, judged rightly when he ſaid his grandfather was a wiſe man tho' he could neither write nor read, in as much as he reſolved to follow the crown, tho' it were upon a coalſtaff. But if this be ſufficient to make a wiſe man, 'tis pity the ſecret was no ſooner diſcovered, ſince many, who for want of it liv'd and died in all the infamy that juſtly accompanies knavery, cowardice and folly, might have gained the reputation of the moſt excellent men in their ſeveral ages. The bloody factions with which all nations ſubject to this ſort of monarchy have been perpetually vexed, might have been prevented by throwing up croſs or pile, or by battle between the competitors body to body, as was done by Corbis and Orſua, Cleoreſtes and Polinices, Ironſide and Canutus; it being moſt unreaſonable, or rather impiouſly abſurd for any to venture their lives and fortunes, when their conſciences are not concern'd in the conteſt, and that they are to gain nothing by the victory.

If reaſon teaches, that till this expeditious way of ending controverſies be received, the ambition of men will be apt to embroil nations in their quarrels, and others judging variouſly of thoſe matters, which can be reduced to no certain rule, will think themſelves in conſcience obliged to follow the party that ſeems to them to be moſt juſt; experience manifeſts the ſame, and that ambition has produced more

violent miſchiefs than all the other deſires and paſſions that have ever poſſeſſed the hearts of men. That this may appear, it will not be amiſs to divide them into ſuch as proceed from him who is in poſſeſſion of the power, through jealouſy of ſtate, as they call it, to prevent the enterprizes of thoſe who would diſpoſſeſs him, and ſuch as ariſe between competitors contending for it.

Tarquin's counſel concerning the poppies, and Periander's heads of corn, is of the firſt ſort. The moſt eminent are always moſt feared as the readieſt to undertake, and moſt able to accompliſh great deſigns. This eminence proceeds from birth, riches, virtue, or reputation, and is ſometimes wrought up to the greateſt height by a conjunction of all theſe. But I know not where to find an example of ſuch a man, who could long ſubſiſt under abſolute monarchy. If he be of high birth, he muſt, like Brutus, conceal his virtue, and gain no reputation, or reſolve to periſh, if he do not prevent his own death by that of the tyrant: all other ways are ineffectual; the ſuſpicions, fears, and hatred thereupon ariſing, are not to be removed: perſonal reſpects are forgotten, and ſuch ſervices as cannot be ſufficiently valued, muſt be blotted out by the death of thoſe who did them. Various ways may be taken, and pretences uſed according to the temper of times and nations; but the thing muſt be done; and whether it be colour'd by a trick of law, or performed by a mute with a bowſtring, imports little. Henry the fourth was made king by the earl of Northumberland, and his brave ſon Hotſpur; Edward the fourth by the valiant earl of Warwick; Henry the ſeventh by Stanley: but neither of them could think himſelf ſafe, 'till his benefactor was dead. No continued fidelity, no teſtimonies of modeſty and humility

lity can prevent this. The modeſty of Germanicus in rejecting the honours that were offer'd to him, and his induſtry in quieting the mutinied legions, accelerated his ruin: when 'twas evident he might be emperor if he pleaſed, he muſt be ſo, or die: there was no middle ſtation between the throne and the grave. 'Tis probable that Caligula, Nero, and other beaſts like to them, might hate virtue for the good which is in it; but I cannot think that either they, their predeceſſors or ſucceſſors, would have put themſelves upon the deſperate deſign of extirpating it, if they had not found it to be inconſiſtent with their government; and that being once concluded, they ſpared none of their neareſt relations. Artaxerxes killed his ſon Darius: Herod murder'd the beſt of his wives, and all his ſons except the worſt. Tiberius deſtroy'd Agrippa Poſthumus, and Germanicus with his wife and two ſons. How highly ſoever Conſtantine the great be commended, he was polluted with the blood of his father-in-law, wife, and ſon. Philip the ſecond of Spain did in the like manner deliver himſelf from his fears of Don Carlos; and 'tis not doubted that Philip the fourth, for the ſame reaſons, diſpatched his brother Don Carlos, and his ſon Balthaſar. The like caſes were ſo common in England, that all the Plantagenets, and the noble families allied to them being extinguiſh'd, our anceſtors were ſent to ſeek a king in one of the meaneſt in Wales.

This method being known, thoſe who are unwilling to die ſo tamely, endeavour to find out ways of defending themſelves; and there being no other than the death of the perſon who is in the throne, they uſually ſeek to compaſs it by ſecret conſpiracy, or open violence; and the number of princes that have been deſtroy'd, and countries diſturb'd by thoſe

who through fear have been driven to extremities, is not much leſs than of thoſe who have ſuffer'd the like from men following the impulſe of their own ambition.

The diſorders ariſing from conteſts between ſeveral competitors, before any one could be ſettled in the poſſeſſion of kingdoms, have been no leſs frequent and bloody than thoſe abovemention'd, and the miſeries ſuffer'd by them, together with the ruin brought upon the empires of Macedon and Rome, may be ſufficient to prove it; however to make the matter more clear, I ſhall alledge others. But becauſe it may be preſumption in me to think I know all the hiſtories of the world, or tedious to relate all thoſe I know, I ſhall content myſelf with ſome of the moſt eminent and remarkable: and if it appear that they have all ſuffer'd the ſame miſchiefs, we may believe they proceed not from accidents, but from the power of a permanent cauſe that always produces the ſame or the like effects.

To begin with France. The ſucceſſion not being well ſettled in the time of Meroveus, who diſpoſſeſs'd the grand-children of Pharamond, he was no ſooner dead than Gillon ſet up himſelf, and with much ſlaughter drove Chilperic his ſon out of the kingdom; and he after a little time returning with like fury, is ſaid to have ſeen a viſion, firſt of lions and leopards, then of bears and wolves, and laſtly of dogs and cats, all tearing one another to pieces. This has been always accounted by the French to be a repreſentation of the nature and fortune of the three races that were to command them*, and has been too much verified by experience. Clovis their firſt chriſtian and moſt renowned king, having by good means or evil exceedingly enlarged

* Hiſt. de France en la vie de Chilperic I.

his

his territories, but chiefly by the murders of Alaric and Ragnacaire, with his children, and ſuborning Sigiſmond of Metz to kill his father Sigebert †, left his kingdom to be torn in pieces by the rage of his four ſons, each of them endeavouring to make himſelf maſter of the whole; and when, according to the uſual fate of ſuch conteſts, ſucceſs had crown'd Clothaire, who was the worſt of them all, by the ſlaughter of his brothers and nephews, with all the flower of the French and Gauliſh nobility, the advantages of his fortune only reſulted to his own perſon. For after his death the miſerable nations ſuffer'd as much from the madneſs of his ſons, as they had done by himſelf and his brothers. They had learnt from their predeceſſors not to be ſlow in doing miſchief, but were farther incited by the rage of two infamous ſtrumpets, Fredegonde and Brunehaud, which is a ſort of vermin that, I am inclin'd to think, has not uſually govern'd ſenates or popular aſſemblies. Chilperic the ſecond, who by the ſlaughter of many perſons of the royal blood, with infinite numbers of the nobility and people, came to be maſter of ſo much of the country, as procured him the name of king of France, killed his eldeſt ſon on ſuſpicion that he was excited againſt him by Brunehaud, and his ſecond, leſt he ſhould revenge the death of his brother: he married Fredegonde, and was ſoon after kill'd by her adulterer Landry. The kingdom continued in the ſame miſery through the rage of the ſurviving princes, and found no relief, tho' moſt of them fell by the ſword; and that Brunehaud who had been a principal cauſe of thoſe tragedies, was tied to the tails of four wild horſes, and ſuffer'd a death as foul as her life. Theſe were lions and leopards. They involved the kingdom in

† Mezeray & de Serres.

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deſperate troubles; but being men of valour and induſtry, they kept up in ſome meaſure the reputation and power of the nation, and he who attain'd to the crown defended it. But they being fallen by the hands of each other, the poiſonous root put forth another plague more mortal than their fury. The vigour was ſpent, and the ſucceſſion becoming more ſettled, ten baſe and ſlothful kings, by the French called Les roys faineans, ſucceeded. Some may ſay, they who do nothing, do no hurt; but the rule is falſe in relation to kings. He that takes upon him the government of a people, can do no greater evil than by doing nothing, nor be guilty of a more unpardonable crime, than by negligence, cowardice voluptuouſneſs, and ſloth, to deſert his charge. Virtue and manhood periſh under him; good diſcipline is forgotten; juſtice ſlighted; the laws perverted or rendred uſeleſs; the people corrupted; the public treaſures exhauſted; and the power of the government always falling into the hands of flatterers, whores, favourites, bawds, and ſuch baſe wretches as render it contemptible, a way is laid open for all manner of diſorders. The greateſt cruelty that has been known in the world, if accompanied with wit and courage, never did ſo much hurt as this ſlothful beſtiality; or rather theſe ſlothful beaſts have ever been moſt cruel. The reigns of Septimius Severus, Mahomet the ſecond, or Selim the ſecond, were cruel and bloody; but their fury was turned againſt foreigners, and ſome of their near relations, or againſt ſuch as fell under the ſuſpicion of making attempts againſt them: the condition of the people was tolerable; thoſe who would be quiet might be ſafe; the laws kept their right courſe; the reputation of the empire was maintained, the limits defended, and the public peace

Peace preſerved. But when the ſword paſſed into the hands of lewd, ſlothful, fooliſh and cowardly princes, it was of no power againſt foreign enemies, or the diſturbers of domeſtic peace, tho' always ſharp againſt the beſt of their own ſubjects. No man knew how to ſecure himſelf againſt them, unleſs by raiſing civil wars; which will always be frequent, when a crown defended by a weak hand is propoſed as a prize to any that dare invade it. This is a perpetual ſpring of diſorders; and no nation was ever quiet, when the moſt eminent men found leſs danger in the moſt violent attempts, than in ſubmitting patiently to the will of a prince, that ſuffers his power to be managed by vile perſons, who get credit by flattering him in his vices. But this is not all; ſuch princes naturally hate and fear thoſe who excel them in virtue and reputation, as much as they are inferior to them in fortune; and think their perſons cannot be ſecured, nor their authority enlarged, except by their deſtruction. 'Tis ordinary for them, "Inter ſcorta & ganeas princi-"pibus viris perniciem machinare*," and to make cruelty a cover to ignorance and cowardice. Beſides the miſchiefs brought upon the public by the loſs of eminent men, who are the pillars of every ſtate, ſuch reigns are always accompanied with tumults and civil wars, the great men ſtriving with no leſs violence who ſhall get the weak prince into his power, when ſuch regard is had to ſucceſſion, that they think it not fit to diveſt him of the title, than when with leſs reſpect they contend for the ſovereignty itſelf. And whilſt this ſort of princes reigned, France was not leſs afflicted with the conteſts between Grimbauld, Ebroin, Grimoald, and others, for the mayoralty of the palace, than they had been

* C. Tacit.

before

before by the rage of thoſe princes who had conteſted for the crown. The iſſue alſo was the ſame: after many revolutions, Charles Martel gained the power of the kingdom, which he had ſo bravely defended againſt the Saracens; and having tranſmitted it to his ſon Pepin, the general aſſembly of eſtates, with the approbation of mankind, conferred the title alſo upon him. This gave the nation eaſe for the preſent; but the deep-rooted evil could not be ſo cured; and the kingdom, that by the wiſdom, valour, and reputation of Pepin, had been preſerved from civil troubles during his life, fell as deeply as ever into them ſo ſoon as he was dead. His ſons, Carloman and Charles, divided the dominions, but in a little time each of them would have all. Carloman fill'd the kingdom with tumult; raiſed the Lombards, and marched with a great army againſt his brother, till his courſe was interrupted by death, cauſed, as is ſuppoſed, by ſuch helps as princes liberally afford to their aſpiring relations. Charles deprived his two ſons of their inheritance, put them in priſon, and we hear no more of them. His third brother Griffon was not more quiet, nor more ſucceſsful; and there could be no peace in Gaſcony, Italy or Germany, till he was kill'd. But all the advantages which Charles, by an extraordinary virtue and fortune, had purchaſed for his country, ended with his life. He left his ſon Lewis the gentle in poſſeſſion of the empire, and kingdom of France, and his grandſon Bernard king of Italy: but theſe two could not agree, and Bernard falling into the hands of Lewis, was deprived of his eyes, and ſome time after kill'd. This was not enough to preſerve the peace: Lothair, Lewis and Pepin, all three ſons to Lewis, rebelled againſt him; called a council at Lions, depoſed him, and divided the em-

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pire amongſt themſelves. After five years he eſcaped from the monaſtery where he had been kept, renew'd the war, and was again taken priſoner by Lothair. When he was dead, the war broke out more fiercely than ever between his children: Lothair the emperor aſſaulted Lewis king of Bavaria and Charles king of Rhetia; was defeated by them, and confined to a monaſtery, where he died. New quarrels aroſe between the two brothers, upon the diviſion of the countries taken from him, and Lorrain only was left to his ſon. Lewis died ſoon after, and Charles getting poſſeſſion of the empire and kingdom, ended an inglorious reign in an unproſperous attempt to deprive Hermingrade, daughter to his brother Lewis, of the kingdom of Arles, and other places left to her by her father. Lewis his ſon, call'd the Stutterer, reigned two years in much trouble; and his only legitimate ſon, Charles the ſimple, came not to the crown till after the death of his two baſtards Lewis and Carloman, Charles le Gros, and Eudes duke of Anjou. Charles le Gros was depoſed from the empire and kingdom, ſtrip'd of his goods, and left to periſh through poverty in an obſcure village. Charles the ſimple, and the nations under him, thrived no better: Robert duke of Anjou raiſed war againſt him, and was crown'd at Rheims; but was himſelf ſlain ſoon after in a bloody battle near Soiſſons. His ſon-in-law, Hebert earl of Vermandois, gathered up the remains of his ſcatter'd party, got Charles into his power, and called a general aſſembly of eſtates, who depoſed him, and gave the crown to Raoul duke of Burgundy; tho' he was no otherwiſe related to the royal blood than by his mother, which in France is nothing at all. He being dead, Lewis ſon to the depoſed Charles was made king; but his reign was

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as inglorious to him, as miſerable to his ſubjects. This is the peace which the French enjoy'd for the ſpace of five or ſix ages under their monarchy; and 'tis hard to determine whether they ſuffer'd moſt by the violence of thoſe who poſſeſſed, or the ambition of others who aſpired to the crown; and whether the fury of active, or the baſeneſs of ſlothful princes was moſt pernicious to them: but upon the whole matter, through the defects of thoſe of the latter ſort, they loſt all that they had gained by ſweat and blood under the conduct of the former. Henry and Otho of Saxony, by a virtue like that of Charlemagne, deprived them of the empire, and ſettled it in Germany, leaving France only to Lewis ſirnamed Outremer, and his ſon Lothair. Theſe ſeemed to be equally compoſed of treachery, cruelty, ambition, and baſeneſs: They were always mutinous, and always beaten: their frantic paſſions put them always upon unjuſt deſigns, and were ſuch plagues to their ſubjects and neighbours, that they became equally deteſted and deſpiſed. Theſe things extinguiſhed the veneration due to the memory of Pepin and Charles; and obliged the whole nation rather to ſeek relief from a ſtranger, than to be ruin'd by their worthleſs deſcendants. They had tried all ways that were in their power, depoſed four crowned kings within the ſpace of a hundred and fifty years; crowned five who had no other title than the people conferred upon them, and reſtored the deſcendants of thoſe they had rejected, but all was in vain; their vices were incorrigible, the miſchiefs produc'd by them intolerable; they never ceaſed from murdering one another in battle, or by treachery, and bringing the nation into civil wars upon their wicked or fooliſh quarrels, till the whole race was rejected, and the crown placed

placed upon the head of Hugh Capet. Theſe miſchiefs raged not in the ſame extremity under him and his deſcendants, but the abatement proceeded from a cauſe no way advantagious to abſolute monarchy. The French were by their calamities taught more ſtrictly to limit the regal power; and by turning the dukedoms and earldoms into patrimonies, which had been offices, gave an authority to the chief of the nobility, by which that of kings was curbed; and tho' by this means the commonalty was expoſed to ſome preſſures, yet they were ſmall in compariſon of what they had ſuffer'd in former times. When many great men had eſtates of their own that did not depend upon the will of kings, they grew to love their country; and tho' they chearfully ſerved the crown in all caſes of public concernment, they were not eaſily engaged in the perſonal quarrels of thoſe who poſſeſſed it, or had a mind to gain it. To preſerve themſelves in this condition, they were obliged to uſe their vaſſals gently; and this continuing in ſome meaſure till within the laſt fifty years, the monarchy was leſs tumultuous, than when the king's will had been leſs reſtrained. Nevertheleſs they had not much reaſon to boaſt; there was a root ſtill remaining, that from time to time produced poiſonous fruit: civil wars were frequent among them, tho' not carried on with ſuch deſperate madneſs as formerly; and many of them upon the account of diſputes between competitors for the crown. All the wars with England, ſince Edward II. married Iſabella daughter, and, as he pretended, heir of Philip Le Bel, were of this nature. The defeats of Crecy, Poitiers, and Agincourt, with the ſlaughters and devaſtations ſuffer'd from Edward III. the black prince, and Henry V. were merely upon conteſts for the crown,

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and for want of an interpreter of the law of ſucceſſion, who might determine the queſtion between the heir male, and the heir general. The factions of Orleans and Burgundy, Orleans and Armignac, proceeded from the ſame ſpring; and the murders that ſeem to have been the immediate cauſes of thoſe quarrels, were only the effects of the hatred growing from their competition. The more odious, tho' leſs bloody conteſts between Lewis the eleventh, and his father Charles the ſeventh, with the jealouſy of the former againſt his ſon Charles the eighth, aroſe from the ſame principle. Charles of Bourbon prepared to fill France with fire and blood upon the like quarrel, when his deſigns were overthrown by his death in the aſſault of Rome. If the dukes of Guiſe had been more fortunate, they had ſoon turned the cauſe of religion into a claim to the crown, and repair'd the injury done, as they pretended, to Pepin's race, by deſtroying that of Capet: and Henry the third thinking to prevent this by the ſlaughter of Henry le Balafré, and his Brother the Cardinal de Guiſe, brought ruin upon himſelf, and caſt the kingdom into a moſt horrid confuſion. Our own age furniſhes us with more than one attempt of the ſame kind attended with the like ſucceſs. The duke of Orleans was ſeveral times in arms againſt Lewis the thirteenth his brother; the queen-mother drew the Spaniards to favour him; Montmorency periſhed in his quarrel; Fontrailles reviv'd it by a treaty with Spain, which ſtruck at the king's head as well as the cardinal's, and was ſuppreſs'd by the death of Cinq Mars and de Thou. Thoſe who underſtand the affairs of that kingdom, make no doubt that the count de Soiſſons would have ſet up for himſelf, and been follow'd by the beſt part of France, if he had not been kill'd in the purſuit of his victory at the battel of Sedan.

Since

Since that time the kingdom has ſuffer'd ſuch diſturbances as ſhow, that more was intended than the removal of Mazarine: and the Marechal de Turenne was often told, that the check he gave to the prince of Condé at Gien, after he had defeated Hocquincourt, had preſerved the crown upon the king's head. And to teſtify the ſtability, good order, and domeſtic peace that accompanies abſolute monarchy, we have in our own days ſeen the houſe of Bourbon often divided within it ſelf; the duke of Orleans, the count de Soiſſons, the princes of Condé and Conti in war againſt the king; the dukes of Angouleſme, Vendome, Longueville, the count de Moret, and other baſtards of the royal family following their example; the houſes of Guiſe, D'Elbeuf, Bouillon, Nemours, Rochefocault, and almoſt all the moſt eminent in France, with the parliaments of Paris, Bourdeaux, and ſome others, joining with them. I might alledge many more examples, to ſhew that this monarchy, as well as all others, has from the firſt eſtabliſhment been full of blood and ſlaughter, through the violence of thoſe who poſſeſſed the crown, and the ambition of ſuch as aſpired to it; and that the end of one civil war has been the beginning of another: but I preſume upon the whole theſe will be thought ſufficient to prove, that it never enjoyed any permanent domeſtic quiet.

The kingdoms of Spain have been no leſs diſturbed by the ſame means; but eſpecially that of Caſtile, where the kings had more power than in other places. To cite all the examples, were to tranſcribe their hiſtories; but whoever has leiſure to examine them will find, that after many troubles, Alphonſo the ſecond, notwithſtanding his glorious ſirname of Wiſe, was depoſed by means of his ambitious ſon: Don Alonſo, ſirnamed El Deſheredado, ſup-

planted by his uncle Don Sanco el bravo: Peter the cruel caſt from the throne, and killed by his baſtard brother the Conde de Traſtamara. From the time of the above named Alphonſo to that of Ferdinand and Iſabella, containing about two hundred years, ſo few of them paſſed without civil wars, that I hardly remember two together that were free from them: and whoſoever pretends that of late years that monarchy has been more quiet, muſt, if he be ingenuous, confeſs their peace is rather to be imputed to the dexterity of removing ſuch perſons as have been moſt likely to raiſe diſturbances (of which number were Don John of Auſtria, Don Carlos ſon to Philip the ſecond, another of the ſame name ſon to Philip the third, and Don Balthazar ſon to Philip the fourth) than to the rectitude of their conſtitutions.

He that is not convinced of theſe truths by what has been ſaid, may come nearer home, and ſee what miſchiefs were brought upon Scotland by the conteſts between Baliol and Bruce*, with their conſequences, till the crown came to the Stuart family; the quiet reigns and happy deaths of the five James's†, together with the admirable ſtability and peace of the government under queen Mary‡, and the perfect union in which ſhe lived with her huſband, ſon and people, as well as the happineſs of the nation whilſt it laſted.

But the miſeries of England, upon the like occaſions, ſurpaſs all. William the Norman was no ſooner dead, but the nation was rent in pieces by his ſon Robert, conteſting with his ſons William and Henry for the crown. They being all dead and their ſons, the like happened between Stephen and Maud: Henry the ſecond was made king to termi-

* Buchan. de reb. Scot. † Drummond. ‡ Melvil.

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nate all diſputes, but it proved a fruitleſs expedient. Such as were more ſcandalous, and not leſs dangerous, did ſoon ariſe between him and his ſons; who beſides the evils brought upon the nation, vexed him to death by their rebellion. The reigns of John and Henry the third were yet more tempeſtuous. Edward the ſecond's lewd, fooliſh, infamous and deteſtable government ended in his depoſition and death, to which he was brought by his wife and ſon. Edward the third employ'd his own and his ſubjects valour againſt the French and Scots; but whilſt the foundations were out of order, the nation could never receive any advantage by their victories: all was calculated for the glory, and turned to the advantage of one man. He being dead, all that the Engliſh held in Scotland and in France was loſt through the baſeneſs of his ſucceſſor, with more blood than it had been gained; and the civil wars raiſed by his wickedneſs and madneſs, ended as thoſe of Edward the ſecond had done. The peace of Henry the fourth's reign was interrupted by dangerous civil wars; and the victory obtained at Shrewsbury had not perhaps ſecured him in the throne, if his death had not prevented new troubles. Henry the fifth acquired ſuch reputation by his virtue and victories, that none dared to invade the crown during his life; but immediately after his death the ſtorms prepared againſt his family, broke out with the utmoſt violence. His ſon's weakneſs encouraged Richard duke of York to ſet up a new title, which produced ſuch miſchiefs as hardly any people has ſuffer'd, unleſs upon the like occaſion: for beſides the ſlaughter of many thouſands of the people, and eſpecially of thoſe who had been accuſtom'd to arms, the devaſtation of the beſt parts of the kingdom, and the loſs of all that our kings had inherited in France,

or gained by the blood of their ſubjects, fourſcore princes of the blood, as Philip de Commines calls them, died in battle, or under the hand of the hangman. Many of the moſt noble families were extinguiſhed; others loſt their moſt eminent men. Three kings and two preſumptive heirs of the crown were murder'd, and the nation brought to that ſhameful exigence, to ſet up a young man to reign over them, who had no better cover for his ſordid extraction than a Welch pedigree, that might ſhew how a taylor was deſcended from prince Arthur, Cadwallader and Brutus. But the wounds of the nation were not to be healed with ſuch a plaiſter. He could not rely upon a title made up of ſuch ſtuff, and patch'd with a marriage to a princeſs of a very queſtionable birth. His own meanneſs inclin'd him to hate the nobility; and thinking it to be as eaſy for them to take the crown from him, as to give it to him, he induſtrioufly applied himſelf to glean up the remainders of the houſe of York, from whence a competitor might ariſe, and by all means to cruſh thoſe who were moſt able to oppoſe him. This exceedingly weakned the nobility, who held the balance between him and the commons, and was the firſt ſtep towards the diſſolution of our antient government: but he was ſo far from ſettling the kingdom in peace, that ſuch raſcals as Perkin Warbeck and Simnel were able to diſturb it. The reign of Henry the eighth was turbulent and bloody; that of Mary furious, and ſuch as had brought us into ſubjection to the moſt powerful, proud and cruel nation at that time in the world, if God had not wonderfully protected us. Nay, Edward the ſixth, and queen Elizabeth, notwithſtanding the natural excellency of their diſpoſitions, and their knowledge of the truth in matters of religion, were forced by that which

which men call jealouſy of ſtate, to foul their hands ſo often with illuſtrious blood, that if their reigns deſerve to be accounted amongſt the moſt gentle of monarchies, they were more heavy than the government of any commonwealth in time of peace; and yet their lives were never ſecure againſt ſuch as conſpired againſt them upon the account of title.

Having in ſome meaſure ſhew'd what miſeries have been uſually, if not perpetually brought upon nations ſubject to monarchies by the violence of ſome princes, and the baſeneſs, folly, and cowardice of others, together with what they have ſuffer'd in conteſts for the ſeveral crowns, whilſt men divided into divers factions, ſtrive with as much vehemency to advance the perſon they favour, as if they or their country were intereſted in the quarrel, and fight as fiercely for a maſter as they might reaſonably do to have none, I am not able to determine which of the two evils is the moſt mortal. 'Tis evident the vices of princes reſult to the damage of the people; but whether pride and cruelty, or ſtupidity and ſloth be the worſt, I cannot tell. All monarchies are ſubject to be afflicted with civil wars; but whether the moſt frequent and bloody do ariſe from the quarrels of divers competitors for crowns before any one gain the poſſeſſion of them, or afterwards through the fears of him that would keep what he has gained, or the rage of thoſe who would wreſt it from him, is not ſo eaſily decided. But commonwealths are leſs troubled with thoſe diſtempers. Women, children, or ſuch as are notoriouſly fooliſh or mad, are never advanced to the ſupreme power. Whilſt the laws, and that diſcipline which nouriſhes virtue is in force, men of wiſdom and valour are never wanting; and every man deſires to give teſtimony of his virtue, when he knows 'twill be rewarded with honour and power. If unworthy

perſons creep into magiſtracies, or are by miſtake any way prefer'd, their vices for the moſt part turn to their own hurt; and the ſtate cannot eaſily receive any great damage by the incapacity of one who is not to continue in office above a year; and is uſually encompaſſed with thoſe who having borne, or are aſpiring to the ſame, are by their virtue able to ſupply his defects; cannot hope for a reward from one unable to corrupt them, and are ſure of the favour of the ſenate and people to ſupport them in defence of the public intereſt. As long as this good order continues, private quarrels are ſuppreſs'd by the authority of the magiſtrate, or prove to be of little effect. Such as ariſe between the nobles and commons frequently produce good laws for the maintenance of liberty, as they did in Rome for above three hundred years after the expulſion of Tarquin; and almoſt ever terminated with little or no blood. Sometimes the errors of one or both parties are diſcovered by the diſcourſe of a wiſe and good man; and thoſe who have moſt violently oppoſed one another become the beſt friends, every one joining to remove the evil that cauſes the diviſion. When the ſenate and people of Rome ſeemed to be moſt furiouſly incenſed againſt each other, the creation of tribunes, communication of honours and marriages between the patrician and plebeian families, or the mitigation of uſury compoſed all; and theſe were not only harmleſs things, but ſuch as gave opportunities of correcting the defects that had been in the firſt conſtitution of the government, without which they could never have attained to the greatneſs, glory, and happineſs they afterwards enjoy'd. Such as had ſeen that people meeting in tumult, running through the city, crying out againſt the kings, conſuls, ſenate, or decemviri, might have thought they would have filled all with blood and ſlaughter;

ſlaughter; but no ſuch thing happened. They deſired no more than to take away the kingdom which Tarquin had wickedly uſurped; and never went about ſo much as to puniſh one miniſter of the miſchiefs he had done, or to take away his goods, till upon pretence of treating his ambaſſadors by a new treachery had caſt the city into greater danger than ever. Tho' the decemviri had by the like villanies equally provoked the people, they were uſed with the like gentleneſs: * Appius Claudius and Oppius having by voluntary death ſubſtracted themſelves from public puniſhment, their collegues were only baniſhed, and the magiſtracies of the city reduced to the former order without the effuſion of more blood. They who contended for their juſt rights, were ſatisfied with the recovery of them; whereas ſuch as follow the impulſe of an unruly ambition never think themſelves ſafe, till they have deſtroyed all that ſeem able to diſturb them, and ſatiated their rage with the blood of their adverſaries. This makes, as well as ſhews the difference between the tumults of Rome, or the ſeceſſion of the common people to mount Aventine, and the battles of Towton, Teuxbury, Eveſhal, Lewes, Hexham, Barnet, St. Albans, and Boſworth. 'Tis in vain to ſay theſe ought rather to be compared to thoſe of Pharſalia, Actium, or Philippi; for when the laws of a commonwealth are aboliſh'd, the name alſo ceaſes. Whatever is done by force or fraud to ſet up the intereſts and luſts of one man in oppoſition to the laws of his country, is purely and abſolutely monarchical. Whatſoever paſſed between Marius, Sylla, Cinna, Catiline, Cæſar, Pompey, Craſſus, Auguſtus, Antonius, and Lepidus, is to be imputed to the conteſts that ariſe between competitors for mo-

* T. Liv. l. 3.

narchy, as well as thoſe that in the next age happened between Galba, Otho, Vitellius, and Veſpaſian: or, which is worſe, whereas thoſe in commonwealths fight for themſelves when there is occaſion, and if they ſucceed, enjoy the fruits of their victory, ſo as even thoſe who remain of the vanquiſhed party, partake of the liberty thereby eſtabliſhed, or the good laws thereupon made; ſuch as follow'd the enſigns of theſe men who ſought to ſet up themſelves, did, rather like beaſts than men, hazard and ſuffer many unſpeakable evils to purchaſe miſery to themſelves and their poſterity, and to make him their maſter, who increaſing in pride, avarice, and cruelty, was to be thrown down again with as much blood as he had been ſet up.

Theſe things, if I miſtake not, being in the laſt degree evident, I may leave to our author all the advantages he can gain by his rhetorical deſcription of the tumults of Rome, " when blood was in the " market-place ſuckt up with ſponges, and the jakes " ſtuffed with carcaſes;" to which he may add the crimes of Sylla's life, and the miſeries of his death: but withal I deſire to know what number of ſponges were ſufficient to ſuck up the blood of five hundred thouſand men ſlain in one day, when the houſes of David and Jeroboam contended for the crown of Iſrael, or of four hundred thouſand who fell in one battle between Joaſh and Amaziah on the ſame occaſion; what jakes were capacious enough to contain the carcaſes of thoſe that periſhed in the quarrels between the ſucceſſors of Alexander, the ſeveral competitors for the Roman empire; or thoſe which have happened in France, Spain, England, and other places upon the like occaſions. If Sylla for ſome time acted as an abſolute monarch, 'tis no wonder that he died like one, or that God puniſhed

ed him as Herod, Philip the ſecond of Spain, and ſome others, becauſe the hand of his fellow-citizens had unjuſtly ſpar'd him. If when he was become deteſtable to God and man, he became alſo miſerable, his example ought to deter others from the crimes that are avenged by a power which none can eſcape, and to encourage thoſe who defend, or endeavour to recover their violated liberties, to act vigorouſly in a cauſe that God does evidently patronize.

SECT. XXV.

Courts are more ſubject to venality and corruption than popular governments.

THO' court-flatterers impute many evils to popular governments they no way deſerve, I could not think any ſo impudent as to lay corruption and venality to their charge, till I found it in our author. They might in my opinion have taken thoſe faults upon themſelves, ſince they certainly abound moſt where bawds, whores, buffoons, players, ſlaves and other baſe people who are naturally mercenary, are moſt prevalent. And whoſoever would know whether this does more frequently befal commonwealths than monarchies, eſpecially if they are abſolute, need only to inquire whether the Cornelii, Junii, Fabii, Valerii, Quintii, Curii, Fabritii, and others who moſt prevailed in Rome after the expulſion of the kings, or Sejanus, Macro, Narciſſus, Pallas, Icetus, Tigellinus, Vinnius, Laco, Agrippina, Meſſalina, Lollia, Poppæa, and the like, were moſt ſubject to thoſe baſe vices: whether it were more eaſy to corrupt one or two of thoſe villains and ſtrumpets, or the ſenates and people of Rome, Carthage, Athens, and Sparta; and whether that ſort of rabble had more power over the princes they ſerved,

ſerved, than ſuch as moſt reſembled them had whilſt the popular government continued. 'Tis in vain to ſay thoſe princes were wicked and vile, for many others are ſo likewiſe; and when the power is in the hands of one man, there can be no aſſurance he will not be like them. Nay, when the power is ſo placed, ill men will always find opportunities of compaſſing their deſires: "Bonus, cautus, optimus "imperator venditur," ſaid Diocleſian; and tho' he was no unwiſe man, yet that which principally induced him to renounce the empire, was the impoſſibility he found of defending himſelf againſt thoſe that were in credit with him, who daily betray'd and ſold him. They ſee with the eyes of other men, and cannot reſiſt the frauds that are perpetually put upon them. Antoninus Pius and Marcus Aurelius ſeem to have been the beſt and wiſeſt of all the Roman emperors; but the two Fauſtina's had ſuch an aſcendent over them, as was moſt ſhameful to their perſons, and miſchievous to the empire and the beſt men in it. Such as theſe may gain too much upon the affections of one man in the beſt regulated government; but that could be of no great danger to the public, when many others equal or not much inferior to him in authority, are ready to oppoſe whatever he ſhould endeavour to promote by their impulſe: but there is no remedy when all depends upon the will of a ſingle perſon who is governed by them. There was more of acuteneſs and jeſt, than of truth in that ſaying of Themiſtocles, "That his "little boy had more power than any man in "Greece; for he governed his mother, ſhe him, "he Athens, and Athens Greece." For he himſelf was found to have little power, when for private paſſions and concernments he departed from the intereſt of the public; and the like has been

found in all places that have been governed in the like manner.

Again, corruption will always reign moſt where thoſe who have the power do moſt favour it, where the rewards of ſuch crimes are greateſt, eaſieſt, and moſt valued, and where the puniſhment of them is leaſt feared.

1. For the firſt, we have already proved that liberty cannot be preſerved, if the manners of the people are corrupted, nor abſolute monarchy introduced where they are ſincere; which is ſufficient to ſhew that thoſe who manage free governments ought always to the utmoſt of their power to oppoſe corruption, becauſe otherwiſe both they and their government muſt inevitably periſh; and that on the other hand, the abſolute monarch muſt endeavour to introduce it, becauſe he cannot ſubſiſt without it. 'Tis alſo ſo natural for all ſuch monarchs to place men in power who pretend to love their perſons, and will depend upon their pleaſure, that poſſibly 'twould be hard to find one in the world who has not made it the rule of his government: and this is not only the way to corruption, but the moſt dangerous of all. For tho' a good man may love a good monarch, he will obey him only when he commands that which is juſt; and no one can engage himſelf blindly to do whatever he is commanded, without renouncing all virtue and religion; becauſe he knows not whether that which ſhall be commanded is conſiſtent with either, or directly contrary to the laws of God and man. But if ſuch a monarch be evil, and his actions ſuch as they are too often found to be, whoever bears an affection to him, and ſeconds his deſigns, declares himſelf an enemy to all that is good; and the advancement of ſuch men to power does not only introduce, foment, and

and increaſe corruption, but fortifies it in ſuch a manner, that without an intire renovation of that ſtate it cannot be removed. Ill men may poſſibly creep into any government; but when the worſt are placed neareſt to the throne, and raiſed to honours for being ſo, they will with that force endeavour to draw all men to a conformity of ſpirit with themſelves, that it can no otherwiſe be prevented, than by deſtroying them and the principle in which they live.

2. To the ſecond; man naturally follows that which is good or ſeems to him to be ſo. Hence it is that in well-govern'd ſtates, where a value is put upon virtue, and no one honoured unleſs for ſuch qualities as are beneficial to the public, men are from the tendereſt years brought up in a belief, that nothing in this world deſerves to be ſought after, but ſuch honours as are acquired by virtuous actions: by this means virtue itſelf becomes popular, as in Sparta, Rome, and other places, where riches (which with the vanity that follows them, and the honours men give to them, are the root of all evil) were either totally baniſhed, or little regarded. When no other advantage attended the greateſt riches than the opportunity of living more ſumptuouſly or deliciouſly, men of great ſpirits ſlighted them. When Ariſtippus told Cleanthes, that if he would go to court and flatter the tyrant, he need not ſeek his ſupper under a hedge; the philoſopher anſwer'd, that he who could content himſelf with ſuch a ſupper, need not go to court, or flatter the tyrant. Epaminondas, Ariſtides, Phocion, and even the Lacedemonian kings, found no inconvenience in poverty, whilſt their virtue was honour'd, and the richeſt princes in the world feared their valour and power. It was not difficult for Curius,

Fabricius,

Fabricius, Quintius Cincinnatus, or Paulus Æmilius, to content themſelves with the narroweſt fortune, when it was no obſtacle to them in the purſuit of thoſe honours which their virtues deſerved. 'Twas in vain to think of bribing a man who ſuped upon the coleworts of his own garden. He could not be gained by gold, who did not think it neceſſary. He that could riſe from the plow to the triumphal chariot, and contentedly return thither again, could not be corrupted; and he that left the ſenſe of his poverty to his executors, who found not wherewith to bury him, might leave Macedon and Greece to the pillage of his ſoldiers, without taking to himſelf any part of the booty. But when luxury was brought into faſhion, and they came to be honour'd who liv'd magnificently, tho' they had in themſelves no qualities to diſtinguiſh them from the baſeſt of ſlaves, the moſt virtuous men were expoſed to ſcorn if they were poor: and that poverty which had been the mother and nurſe of their virtue, grew inſupportable. The poet well underſtood what effect this change had upon the world, who ſaid,

" Nullum crimen abeſt facinuſque libidinis, ex quo
" Paupertas Romana perit. Juven. Sat. 6. 293.

When riches grew to be neceſſary, the deſire of them which is the ſpring of all miſchief, follow'd. They who could not obtain honours by the nobleſt actions, were oblig'd to get wealth to purchaſe them from whores and villains, who expoſed them to ſale: and when they were once entered into this track, they ſoon learnt the vices of thoſe from whom they had received their preferment, and to delight in the ways that had brought them to it. When they were come to this, nothing could ſtop them: All thought

thought and remembrance of good was extinguiſh'd. They who had bought the commands of armies or provinces, from Icetus or Narciſſus, ſought only how to draw money from them, to enable them to purchaſe higher dignities, or gain a more aſſured protection from thoſe patrons. This brought the government of the world under a moſt infamous traffic, and the treaſures ariſing from it were, for the moſt part, diſſipated by worſe vices than the rapine, violence and fraud with which they had been gotten. The authors of thoſe crimes had nothing left but their crimes, and the neceſſity of committing more, through the indigence into which they were plung'd by the extravagance of their expences. Theſe things are inſeparable from the life of a courtier; for as ſervile natures are guided rather by ſenſe than reaſon, ſuch as addict themſelves to the ſervice of courts, find no other conſolation in their miſery, than what they receive from ſenſual pleaſures, or ſuch vanities as they put a value upon; and have no other care, than to get money for their ſupply by begging, ſtealing, bribing, and other infamous practices. Their offices are more or leſs eſteemed according to the opportunities they afford for the exerciſe of theſe virtues; and no man ſeeks them for any other end than for gain, nor takes any other way than that which conduces to it. The uſual means of attaining them are, by obſerving the prince's humour, flattering his vices, ſerving him in his pleaſures, fomenting his paſſions, and by advancing his worſt deſigns, to create an opinion in him that they love his perſon, and are entirely addicted to his will. When valour, induſtry and wiſdom advanced men to offices, it was no eaſy matter for a man to perſuade the ſenate he had ſuch qualities as were requir'd, if he had them not:

not: but when princes ſeek only ſuch as love them, and will do what they command, 'tis eaſy to impoſe upon them; and becauſe none that are good will obey them when they command that which is not ſo, they are always encompaſſed by the worſt. Thoſe who follow them only for reward, are moſt liberal in profeſſing affection to them, and by that means riſe to places of authority and power. The fountain being thus corrupted, nothing that is pure can come from it. Theſe mercenary wretches having the management of affairs, juſtice and honours are ſet at a price, and the moſt lucrative traffic in the world is thereby eſtabliſhed. * Eutropius when he was a ſlave, uſed to pick pockets and locks; but being made a miniſter, he ſold cities, armies and provinces: and ſome have undertaken to give probable reaſons to believe, that Pallas, one of Claudius his manumiſed ſlaves, by theſe means brought together more wealth in ſix years, than all the Roman dictators and conſuls had done from the expulſion of the kings to their paſſage into Aſia. The reſt walked in the ſame way, uſed the ſame arts, and many of them ſucceeded in the ſame manner. Their riches conſiſted not of ſpoils taken from enemies, but were the baſe product of their own corruption. They valued nothing but money, and thoſe who could bribe them, were ſure to be advanc'd to the higheſt offices; and whatever they did, feared no puniſhment. Like effects will ever proceed from the like cauſes. When vanity, luxury and prodigality are in faſhion, the deſire of riches muſt neceſſarily increaſe in proportion to them; and when the power is in the hands of baſe mercenary perſons, they will always (to uſe the courtiers phraſe) make

* ——Nunc uberiore rapina
Peccat in orbe manus. *Claud.*

as

as much profit of their places as they can. Not only matters of favour, but of juſtice too, will be expoſed to ſale; and no way will be open to honours or magiſtracies, but by paying largely for them. He that gets an office by theſe means, will not execute it gratis: he thinks he may ſell what he has bought; and would not have entered by corrupt ways, if he had not intended to deal corruptly. Nay, if a well-meaning man ſhould ſuffer himſelf to be ſo far carried away by the ſtream of a prevailing cuſtom, as to purchaſe honours of ſuch villains, he would be obliged to continue in the ſame courſe, that he might gain riches to procure the continuance of his benefactors protection, or to obtain the favour of ſuch as happen to ſucceed them: and the corruption thus beginning in the head, muſt neceſſarily diffuſe it ſelf into all the members of the commonwealth. Or, if any one (which is not to be expected) after having been guilty of one villany, ſhould reſolve to commit no more, it could have no other effect than to bring him to ruin; and he being taken away, all things would return to their former channel.

Beſides this, whoſoever deſires to advance himſelf, muſt uſe ſuch means as are ſuitable to the time in which he lives, and the humour of the perſons with whom he is to deal. It had been as abſurd for any man void of merit to ſet himſelf up againſt Junius Brutus, Cincinnatus, Papirius Curſor, Camillus, Fabius Maximus, or Scipio; and by bribing the ſenate and people of Rome, think to be choſen captain againſt the Tarquins, Tuſcans, Latins, Samnites, Gauls or Carthaginians, as for the moſt virtuous men, by the moſt certain proofs of their wiſdom, experience, integrity and valour, to expect

advancement from Caligula, Claudius, and Nero, or the lewd wretches that govern'd them. They hated and feared all thoſe that excelled in virtue, and ſetting themſelves to deſtroy the beſt for being the beſt, they placed the ſtrength of the government in the hands of the worſt, which produced the effects beforementioned. This ſeems to have been ſo well known, that no man pretended to be great at court, but thoſe who had caſt off all thoughts of honour and common honeſty: "Revertar cum "leno, meretrix, ſcurra, cinædus ero," ſaid one who ſaw what manners prevailed there; and whereſoever they do prevail, ſuch as will riſe, muſt render themſelves conformable in all corruption and venality. And it may be obſerved, that a noble perſon now living amongſt us, who is a great enemy to bribery, was turned out from a conſiderable office, as a ſcandal to the court; for, ſaid the principal miniſter, he will make no profit of his place, and by that means caſts a ſcandal upon thoſe that do.

If any man ſay, this is not generally the fate of all courts, I confeſs it; and that if the prince be juſt, virtuous, wiſe, of great ſpirit, and not pretending to be abſolute, he may chooſe ſuch men as are not mercenary, or take ſuch a courſe as may render it hard for them to deſerve bribes, or to preſerve themſelves from puniſhment, if they ſhould deflect from his intention. And a prince of this age ſpeaking familiarly with ſome great men about him, ſaid, he had heard much of vaſt gains made by thoſe who were near to princes, and aſked if they made the like? One of them anſwer'd, that they were as willing as others to get ſomething, but that no man would give them a farthing; for every one finding a free admittance to his majeſty, no man needed a ſollicitor: and it was no leſs known that he did of

himſelf grant thoſe things that were juſt, than that none of them had ſo much credit as to promote ſuch as were not ſo. I will not ſay ſuch a king is a phenix; perhaps more than one may be found in an age; but they are certainly rare, and all that is good in their government proceeding from the excellency of their perſonal virtues, it muſt fail when that virtue fails, which was the root of it. Experience ſhews how little we can rely upon ſuch a help; for where crowns are hereditary, children ſeldom prove like to their fathers; and ſuch as are elective have alſo their defects. Many ſeem to be modeſt and innocent in private fortunes, who prove corrupt and vicious when they are raiſed to power. The violence, pride and malice of Saul, was never diſcover'd till the people had placed him in the throne. But where the government is abſolute, or the prince endeavours to make it ſo, this integrity can never be found: he will always ſeek ſuch as are content to depend upon his will, which being always unruly, good men will never comply; ill men will be paid for it, and that opens a gap to all manner of corruption. Something like to this may befal regular monarchies, or popular governments. They who are placed in the principal offices of truſt may be treacherous; and when they are ſo, they will always by theſe means ſeek to gain partizans and dependents upon themſelves. Their deſigns being corrupt, they muſt be carried on by corruption; but ſuch as would ſupport monarchy in its regularity, or popular governments, muſt oppoſe it, or be deſtroy'd by it. And nothing can better manifeſt how far abſolute monarchies are more ſubject to this venality and corruption than the regular and popular governments, than that they are rooted in the principle of the one, which cannot ſubſiſt without them; and are ſo contrary to the others, that

that they muſt certainly periſh unleſs they defend themſelves from them.

If any man be ſo far of another opinion, as to believe that Brutus, Camillus, Scipio, Fabius, Hannibal, Pericles, Ariſtides, Ageſilaus, Epaminondas or Pelopidas, were as eaſily corrupted as Sejanus, Tigellinus, Vinnius or Laco: that the ſenate and people of Rome, Carthage, Athens, Sparta or Thebes, were to be bought at as eaſy rates as one profligate villain, a ſlave, an eunuch or a whore; or tho' it was not in former ages, yet it is ſo now: he may be pleaſed to conſider by what means men now riſe to places of judicature, church-preferment, or any offices of truſt, honour or profit under thoſe monarchies which we know, that either are or would be abſolute. Let him examine how all the offices of juſtice are now diſpoſed in France; how Mazarine came to be advanced; what traffic he made of abbeys and biſhoprics, and what treaſures he gained by that means: whether the like has not continued ſince his death, and as a laudable example been tranſmitted to us ſince his majeſty's happy reſtoration: whether bawds, whores, thieves, buffoons, paraſites, and ſuch vile wretches as are naturally mercenary, have not more power at Whitehal, Verſailles, the Vatican, and the Eſcurial, than in Venice, Amſterdam, and Switzerland: whether H-de, Arl-ng-t-n, D-nby, their graces of Cleveland and Portſmouth, S-nd-rl-nd, Jenkins or Chiffinch, could probably have attained ſuch power as they have had amongſt us, if it had been diſpoſed by the ſuffrages of the parliament and people: or laſtly, whether ſuch as know only how to work upon the perſonal vices of a man, have more influence upon one who happens to be born in a reigning family,

or upon a ſenate conſiſting of men choſen for their virtues and quality, or the whole body of a nation.

But if he who poſſeſſes or affects an abſolute power be by his intereſt led to introduce that corruption which the people, ſenate, and magiſtrates who uphold popular governments abhor, as that which threatens them with deſtruction: if the example, arts, and means uſed by him and his dependents be of wonderful efficacy towards the introduction of it: if nothing but an admirable virtue, which can hardly be in one that enjoys or deſires ſuch a power, can divert him from that deſign; and if ſuch virtue never did, nor probably ever will continue long in any one family, we cannot rationally believe there ever was a race of men inveſted with, or poſſeſſing ſuch a power, or that there will ever be any who have not, and will not endeavour to introduce that corruption, which is ſo neceſſary for the defence of their perſons, and moſt important concernments, and certainly accompliſh their great deſign, unleſs they are oppoſed or removed.

SECT. XXVI.

Civil tumults and wars are not the greateſt evils that befal nations.

"BUT ſkin for ſkin," ſays our author, "and "all that a man hath will he give for his life." And ſince it was neceſſary to grace his book with ſome ſcripture phraſes, none could be fitter for that purpoſe than thoſe that were ſpoken by the devil; but they will be of little uſe to him: for tho' I ſhould ſo far recede from truth, as to avow thoſe words to be true, I might ſafely deny the concluſions he draws from them, "That thoſe are the worſt

" governments under which moſt men are ſlain; or, " that more are ſlain in popular governments than in " abſolute monarchies." For having proved that all the wars and tumults that have happen'd in commonwealths, have never produced ſuch ſlaughters as were brought upon the empires of Macedon and Rome, or the kingdoms of Iſrael, Judah, France, Spain, Scotland or England, by conteſts between ſeveral competitors for thoſe crowns; if tumult, war, and ſlaughter, be the point in queſtion, thoſe are the worſt of all governments where they have been moſt frequent and cruel. But tho' theſe are terrible ſcourges, I deny that government to be ſimply the worſt that has moſt of them. 'Tis ill that men ſhould kill one another in ſeditions, tumults and wars; but 'tis worſe to bring nations to ſuch miſery, weakneſs and baſeneſs, as to have neither ſtrength nor courage to contend for any thing; to have nothing left worth defending, and to give the name of peace to deſolation. I take Greece to have been happy and glorious, when it was full of populous cities, flouriſhing in all the arts that deſerve praiſe among men: when they were courted and feared by the greateſt kings, and never aſſaulted by any but to his own loſs and confuſion: when Babylon and Suſa trembled at the motion of their arms; and their valour exerciſed in theſe wars and tumults which our author looks upon as the greateſt evils, was raiſed to ſuch a power that nothing upon earth was found able to reſiſt them: and I think it now miſerable, when peace reigns within their empty walls, and the poor remains of thoſe exhauſted nations ſheltering themſelves under the ruins of the deſolated cities, have neither any thing that deſerves to be diſputed amongſt them, nor ſpirit or force to repel the injuries

they daily ſuffer from a proud and inſupportable maſter.

The like may be ſaid of Italy: whilſt it was inhabited by nations governing themſelves by their own will, they fell ſometimes into domeſtic ſeditions, and had frequent wars with their neighbours. When they were free, they loved their country, and were always ready to fight in its defence. Such as ſucceeded well, increaſed in vigour and power; and even thoſe that were the moſt unfortunate in one age, found means to repair their greateſt loſſes if their government continued. Whilſt they had a propriety in their goods, they would not ſuffer the country to be invaded, ſince they knew they could have none if it were loſt. This gave occaſion to wars and tumults; but it ſharpened their courage, kept up a good diſcipline, and the nations that were moſt exerciſed by them, always increaſed in power and number; ſo that no country ſeems ever to have been of greater ſtrength than Italy was when Hannibal invaded it: and after his defeat, the reſt of the world was not able to reſiſt their valour and power. They ſometimes killed one another; but their enemies never got any thing but burying-places within their territories. All things are now brought into a very different method by the bleſſed governments they are under. The fatherly care of the king of Spain, the pope, and other princes, has eſtabliſh'd peace amongſt them. We have not in many ages heard of any ſedition among the Latins, Sabines, Volſci, Equi, Samnites, or others. The thin, half-ſtarv'd inhabitants of walls ſupported by ivy, fear neither popular tumults, nor foreign alarms; and their ſleep is only interrupted by hunger, the cries of their children, or the howling of wolves. Inſtead of many turbulent, contentious cities, they have

have a few ſcattered ſilent cottages; and the fierceneſs of thoſe nations is ſo temper'd, that every raſcally collector of taxes extorts without fear from every man, that which ſhould be the nouriſhment of his family. And if any of thoſe countries are free from that pernicious vermin, 'tis through the extremity of their poverty. Even in Rome a man may be circumvented by the fraud of a prieſt, or poiſon'd by one who would have his eſtate, wife, whore, or child; but nothing is done that looks like tumult or violence. The governors do as little fear Gracchus as Hannibal; and inſtead of wearying their ſubjects in wars, they only ſeek, by perverted laws, corrupt judges, falſe witneſſes, and vexatious ſuits, to cheat them of their money and inheritance. This is the beſt part of their condition. Where theſe arts are uſed, there are men, and they have ſomething to loſe; but for the moſt part the lands lie waſte, and they who were formerly troubled with the diſorders incident to populous cities, now enjoy the quiet and peaceable eſtate of a wilderneſs.

Again, there is a way of killing worſe than that of the ſword: for as Tertullian ſays upon a different occaſion, "Prohibere naſci eſt occidere;" thoſe governments are in the higheſt degree guilty of blood, which by taking from men the means of living, bring ſome to periſh through want, drive others out of the country, and generally diſſuade men from marriage, by taking from them all ways of ſubſiſting their families. Notwithſtanding all the ſeditions of Florence, and other cities of Tuſcany, the horrid factions of Guelphs and Ghibelins, Neri and Bianchi, nobles and commons, they continued populous, ſtrong, and exceeding rich; but in the ſpace of leſs than a hundred and fifty years, the peacable

reign of the Medices is thought to have deſtroyed nine parts in ten of the people of that province. Amongſt other things 'tis remarkable, that when Philip the ſecond of Spain gave Sienna to the duke of Florence, his ambaſſador then at Rome ſent him word, that he had given away more than ſix hundred and fifty thouſand ſubjects; and 'tis not believ'd there are now twenty thouſand ſouls inhabiting that city and territory. Piſa, Piſtoia, Arezzo, Cortona, and other towns that were then good and populous, are in the like proportion diminiſhed, and Florence more than any. When that city had been long troubled with ſeditions, tumults, and wars, for the moſt part unproſperous, they ſtill retain'd ſuch ſtrength, that when Charles the eighth of France being admitted as a friend with his whole army *, which ſoon after conquer'd the kingdom of Naples, thought to maſter them, the people taking arms, ſtruck ſuch terror into him, that he was glad to depart upon ſuch conditions as they thought fit to impoſe. Machiavel reports, that in that time Florence alone, with the Val d'Arno, a ſmall territory belonging to that city, could, in a few hours, by the ſound of a bell, bring together a hundred and thirty five thouſand well arm'd men; whereas now that city, with all the others in that province, are brought to ſuch deſpicable weakneſs, emptineſs, poverty and baſeneſs, that they can neither reſiſt the oppreſſions of their own prince, nor defend him or themſelves if they were aſſaulted by a foreign enemy. The people are diſpers'd or deſtroy'd, and the beſt families ſent to ſeek habitations in Venice, Genoa, Rome, Naples, and Lucca. This is not the effect of war or peſtilence; they enjoy a perfect peace, and ſuffer no other plague than the government they are under.

* Guicciard.

der. But he who has thus cured them of diſorders and tumults, does, in my opinion, deſerve no greater praiſe than a phyſician, who ſhould boaſt there was not a ſick perſon in a houſe committed to his care, when he had poiſon'd all that were in it. The Spaniards have eſtabliſhed the like peace in the kingdoms of Naples and Sicily, the Weſt-Indies, and other places. The Turks by the ſame means prevent tumults in their dominions. And they are of ſuch efficacy in all places, that Mario Chigi brother to pope Alexander the ſeventh, by one ſordid cheat upon the ſale of corn, is ſaid within eight years to have deſtroy'd above a third part of the people in the eccleſiaſtical ſtate; and that country which was the ſtrength of the Romans in the time of the Carthaginian wars, ſuffer'd more by the covetouſneſs and fraud of that villain than by all the defeats received from Hannibal.

'Twere an endleſs work to mention all the places where this peaceable ſolitude has been introduc'd by abſolute monarchy; but popular and regular governments have always applied themſelves to increaſe the number, ſtrength, power, riches, and courage of their people, by providing confortable ways of ſubſiſtence for their own citizens, inviting ſtrangers, and filling them all with ſuch a love to their country, that every man might look upon the public cauſe as his own, and be always ready to defend it. This may ſometimes give occaſion to tumults and wars, as the moſt vigorous bodies may fall into diſtempers: when every one is ſolicitous for the public, there may be difference of opinion, and ſome by miſtaking the way may bring prejudice when they intend profit: but unleſs a tyrant do ariſe, and deſtroy the government which is the root of their felicity; or they be overwhelm'd by the irreſiſtible

irreſiſtible power of a virtue or fortune greater than their own, they ſoon recover, and for the moſt part riſe up in greater glory and proſperity than before. This was ſeen in the commonwealths of Greece and Italy, which for this reaſon were juſtly called nurſeries of virtue, and their magiſtrates preſervers of men; whereas our author's peace-making monarchs can deſerve no better title than that of enemies and deſtroyers of mankind.

I cannot think him in earneſt when he exaggerates Sylla's cruelties as a proof that the miſchiefs ſuffer'd under free ſtates are more univerſal than under kings and tyrants: for there never was a tyrant in the world if he was not one, tho' through wearineſs, infirmity of body, fear, or perhaps the horror of his own wickedneſs, he at length reſigned his power; but the evil had taken root ſo deep, that it could not be removed: there was nothing of liberty remaining in Rome: the laws were overthrown by the violence of the ſword: the remaining conteſt was who ſhould be lord; and there is no reaſon to believe that if Pompey had gained the battle of Pharſalia, he would have made a more modeſt uſe of his victory than Cæſar did; or that Rome would have been more happy under him than under the other. His cauſe was more plauſible becauſe the ſenate follow'd him, and Cæſar was the invader; but he was no better in his perſon, and his deſigns ſeem to have been the ſame. He had been long before "ſuarum legum auctor & everſor." He gave the beginning to the firſt triumvirate; and 'twere folly to think that he who had been inſolent when he was not come to the higheſt pitch of fortune, would have proved moderate if ſucceſs had put all into his hands. The proceedings of Marius, Cinna, Catiline, Octavius, and Antonius were all of

the ſame nature. No laws were obſerv'd: no public good intended; the ambition of private perſons reigned; and whatſoever was done by them, or for their intereſt, can no more be applied to popular, ariſtocratical or mix'd governments, than the furies of Caligula and Nero.

SECT. XXVII.

The miſchiefs and cruelties proceeding from tyranny are greater than any that can come from popular or mixed governments.

'TIS now time to examine the reaſons of our author's general maxims. "The cruelties, "ſays he, of a tyrant extend ordinarily no farther "than ſome particular men that offend him, and not "to the whole kingdom. It is truly ſaid of his "late majeſty king James, a king can never be ſo "notoriouſly vicious, but he will generally favour "juſtice, and maintain ſome order. Even cruel "Domitian, Dionyſius the tyrant, and many others "are commended in hiſtories as great obſervers of "juſtice, except in particular caſes, wherein his "inordinate luſts may carry him away." This may be ſaid of popular governments; for tho' a people through error do ſometimes hurt a private perſon, and that may poſſibly reſult to the public damage, becauſe the man that is offended or deſtroy'd, might have been uſeful to the ſociety, they never do it othewiſe than by error: for having the government in themſelves, whatever is prejudicial to it, is ſo to them; and if they ruin it, they ruin themſelves, which no man ever did willingly and knowingly. In abſolute monarchies the matter is quite otherwiſe. A prince that ſets up an intereſt in himſelf, becomes an enemy to the public: in following

following his own luſts he offends all, except a few of his corrupt creatures, by whoſe help he oppreſſes others with a yoke they are unwilling to bear, and thereby incurs the univerſal hatred. This hatred is always proportionable to the injuries received, which being extreme, that muſt be ſo too; and every people being powerful in compariſon to the prince that governs, he will always fear thoſe that hate him, and always hate thoſe he fears. When Luigi Farneſe firſt duke of Parma had by his tyranny incenſed the people of that ſmall city, their hatred was not leſs mortal to him than that of the whole empire had been to Nero; and as the one burn'd Rome, the other would have deſtroyed Parma, if he had not been prevented. The like has been, and will be every where, in as much as every man endeavours to deſtroy thoſe he hates and fears; and the greatneſs of the danger often drives this * fear to rage and madneſs. For this reaſon Caligula wiſh'd but one neck to all the people; and Nero triumphed over the burning city, thinking by that ruin he had prevented his own danger. I know not who the good authors are that commend Domitian for his juſtice; but Tacitus call him "prin-" cipem virtutibus infeſtum †;" and 'tis hard to find out how ſuch a man can be an obſerver of juſtice, unleſs it be juſt, that whoever dares to be virtuous under a vicious and baſe prince ſhould be deſtroy'd. Another ‡ author of the ſame time ſpeaking of him, does not ſay he was unjuſt, but gives us reaſon to think he was ſo, unleſs it were juſt for him, who had a power over the beſt part of

* Cuncta ferit dum cuncta timet. *Lucan.*

† Tacit. in vit. Agric.

‡ Cum jam ſemianimem laceraret Flavius orbem
Tertius, & calvo ſerviret Roma tyranno. *Juvenal.*

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the world, to deſtroy it; and that he who by his cruelty had brought it to the laſt gaſp, would have finiſh'd the work, if his rage had not been extinguiſhed.

Many princes not having in themſelves power to deſtroy their people, have ſtirred up foreign nations againſt them, and placed the only hopes of their ſafety in the public calamity; and lawful kings when they have fallen into the firſt degree of madneſs, ſo as to aſſume a power above that which was allowed by the law, have in fury proved equal to the worſt uſurpers. Clonymus of Sparta was of this ſort: he became, ſays Plutarch*, an enemy to the city, becauſe they would not allow him the abſolute power he affected; and brought Pyrrhus the fierceſt of their enemies, with a mighty and well diſciplin'd army to deſtroy them. Vortigern the Briton call'd in the Saxons with the ruin of his own people†, who were incenſed againſt him for his lewdneſs, cruelty, and baſeneſs. King John for the like reaſons offer'd the kingdom of England to the Moors, and to the pope. Peter the cruel, and other kings of Caſtille brought vaſt armies of Moors into Spain to the ruin of their own people, who deteſted their vices, and would not part with their privileges. Many other examples of the like nature might be alleged; and I wiſh our own experience did not too well prove that ſuch deſigns are common. Let him that doubts this, examine the cauſes of the wars with Scotland in the years 1639, 1640; the ſlaughters of the proteſtants in Ireland 1641; the whole courſe of alliances and treaties for the ſpace of fourſcore years; the friendſhip contracted with the French; frequent quarrels with the Dutch, together with other circumſtances that

* Plut. vit. Pyrrh. † Math. Weſtm.

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are already made too public: if he be not convinced by this, he may ſoon ſee a man in the throne, who had rather be a tributary to France than a lawful king of England, whilſt either parliament or people ſhall dare to diſpute his commands, inſiſt upon their own rights, or defend a religion inconſiſtent with that which he has eſpouſed; and then the truth will be ſo evident as to require no proof.

Grotius was never accuſed of dealing hardly with kings, or laying too much weight upon imaginary caſes; nevertheleſs amongſt other reaſons that in his opinion juſtify ſubjects in taking arms againſt their princes, he alleges this, "propter immanem ſævi-"tiam," and "quando rex in populi exitium fertur;" in as much as it is "contrary to, and inconſiſtent "with the ends for which governments are inſti-"tuted;" which were moſt impertinent, if no ſuch thing could be; for that which is not, can have no effect. There are therefore princes who ſeek the deſtruction of their people, or none could be juſtly oppoſed on that account.

If king James was of another opinion, I could wiſh the courſe of his government had been ſuited to it. When he ſaid that whilſt he had the power of making judges and biſhops, he would make that to be law and goſpel which beſt pleaſed him, and filled thoſe places with ſuch as turned both according to his will and intereſts, I muſt think that by overthrowing juſtice, which is the rule of civil and moral actions, and perverting the goſpel which is the light of the ſpiritual man, he left nothing unattempted that he durſt attempt, by which he might bring the moſt extenſive and univerſal evils upon our nation that any can ſuffer. This would ſtand good, tho' princes never erred, unleſs they were "tranſported "with ſome inordinate luſts;" for 'tis hard to find one

one does not live in the perpetual power of them. They are naturally ſubject to the impulſe of ſuch appetites as well as others, and whatever evil reigns in their nature is fomented by education. 'Tis the handle by which their flatterers lead them; and he that diſcovers to what vice a prince is moſt inclin'd, is ſure to govern him by rendering himſelf ſubſervient. In this conſiſts the chief art of a courtier, and by this means it comes to paſs that ſuch luſts as in private men are curbed by fear, do not only rage as in a wild beaſt, but are perpetually inflamed by the malice of their own ſervants: their hatred to the laws of God or men that might reſtrain them, increaſes in proportion with their vices, or their fears of being puniſhed for them. And when they are come to this, they can ſet no limits to their fury, and there is no extravagance into which they do not frequently fall. But many of them do not expect theſe violent motives: the perverſity of their own nature carries them to the extremities of evil. They hate virtue for its own ſake, and virtuous men for being moſt unlike to themſelves. This virtue is the dictate of reaſon, or the remains of divine light, by which men are made beneficent and beneficial to each other. Religion proceeds from the ſame ſpring, and tends to the ſame end; and the good of mankind ſo intirely depends upon theſe two, that no people ever enjoyed any thing worth deſiring that was not the product of them; and whatſoever any have ſuffer'd that deſerves to be abhorr'd and feared, has proceeded either from the defect of theſe, or the wrath of God againſt them. If any prince therefore has been an enemy to virtue and religion, he muſt alſo have been an enemy to mankind, and moſt eſpecially to the people under him. Whatſoever he does againſt thoſe that excel in virtue and religion, tends to the

deſtruction

deſtruction of the people who ſubſiſt by them. I will not take upon me to define who they are, or to tell the number of thoſe that do this: but 'tis certain there have been ſuch; and I wiſh I could ſay they were few in number, or that they had liv'd only in paſt ages. Tacitus does not fix this upon one prince, but upon all that he writes of; and to give his readers a taſte of what he was to write, he ſays, "that "nobility and honours were dangerous, but that "virtue brought moſt certain deſtruction*;" and in another place, that "after the ſlaughter of many "excellent men, Nero reſolved to cut down virtue "it ſelf, and therefore kill'd Thraſeas Patus and "Bareas Soranus†." And whoſoever examines the chriſtian or eccleſiaſtical hiſtories, will find thoſe princes to have been no leſs enemies to virtue and religion than their predeceſſors, and conſequently enemies to the nations under them, unleſs religion and virtue be things prejudicial or indifferent to mankind.

But our author may ſay, theſe were particular caſes; and ſo was the ſlaughter of the prophets and apoſtles, the crucifixion of Chriſt, and all the villanies that have ever been committed; yet they proceeded from a univerſal principle of hatred to all that is good, exerting it ſelf as far as it could, to the ruin of mankind: and nothing but the over-ruling power of God, who reſolved to preſerve to himſelf a people, could ſet bounds to their rage, which in other reſpects had as full ſucceſs as our author, or the devil could have wiſhed.

Dionyſius (his other example of juſtice) deſerves obſervation: more falſehood, lewdneſs, treachery, ingratitude, cruelty, baſeneſs, avarice, impudence and hatred to all manner of good, was hardly ever

* C. Tacit. Hiſt. l. i. † Ann. l. xvi. 21.

known

known in a mortal creature. For this reaſon, Diogenes ſeeing him at Corinth, tho' in a poor and contemptible condition, ſaid, he rather deſerved to have continued in the miſery, fears and villanies of his tyranny, than to be ſuffer'd peaceably to converſe with honeſt men. And if ſuch as theſe are to be called obſervers of juſtice, it muſt be concluded that the laws of God and of men, are either of no value, or contrary to it; and that the deſtruction of nations is a better work than their preſervation. No faith is to be obſerved: temples may be juſtly ſack'd; the beſt men ſlain for daring to be better than their maſters; and the whole world, if it were in the power of one man, rightly torn in pieces and deſtroy'd.

His reaſons for this are as good as his doctrine: "It is, ſaith he, the multitude of people and abun-"dance of riches, that are the glory and ſtrength "of every prince: the bodies of his ſubjects do him "ſervice in war, and their goods ſupply his wants. "Therefore if not out of affection to his people, yet "out of natural love unto himſelf, every tyrant "deſires to preſerve the lives and goods of his ſub-"jects." I ſhould have thought that princes, tho' tyrants, being God's vicegerents, and fathers of their people, would have ſought their good, tho' no advantage had thereby redounded to themſelves, but it ſeems no ſuch thing is to be expected from them. They conſider nations, as graſiers do their herds and flocks, according to the profit that can be made of them: and if this be ſo, a people has no more ſecurity under a prince, than a herd or flock under their maſter. Tho' he deſire to be a good huſband, yet they muſt be delivered up to the ſlaughter when he finds a good market, or a better way of improving his land; but they are often fooliſh, riotous, prodi-

gal, and wantonly deſtroy their ſtock, tho' to their own prejudice. We thought that all princes and magiſtrates had been ſet up, that under them we might live quietly and peaceably, in all godlineſs and honeſty: but our author teaches us, that they only ſeek what they can make of our bodies and goods, and that they do not live and reign for us, but for themſelves. If this be true, they look upon us not as children, but as beaſts, nor do us any good for our own ſakes, or becauſe it is their duty, but only that we may be uſeful to them, as oxen are put into plentiful paſtures that they may be ſtrong for labour, or fit for ſlaughter. This is the divine model of government that he offers to the world. The juſt magiſtrate is the miniſter of God for our good: but this abſolute monarch has no other care of us, than as our riches and multitude may increaſe his own glory and ſtrength. We might eaſily judge what would be the iſſue of ſuch a principle, when the being of nations depending upon his will, muſt alſo depend upon his opinion, whether the ſtrength, multitude and riches of a people do conduce to the increaſe of glory and power, or not, tho' hiſtories were ſilent in the caſe; for theſe things ſpeak of themſelves. The judgment of a ſingle man is not to be relied upon; the beſt and wiſeſt do often err, the fooliſh and perverſe always; and our diſcourſe is not of what Moſes or Samuel would do, but what may come into the fancy of a furious or wicked man who may uſurp the ſupreme power, or a child, a woman, or a fool, that may inherit it. Beſides, the propoſition upon which he builds his concluſion, proves often falſe: for as the riches, power, number and courage of our friends is for our advantage, and that of our enemies threatens us with ruin; thoſe princes only can reaſonably believe the ſtrength

of

of their ſubjects beneficial to them, who govern ſo as to be aſſured of their affection, and that their ſtrength will be employ'd for them: but thoſe who know they are, or deſerve to be hated, cannot but think it will be employ'd againſt them, and always ſeek to diminiſh that which creates their danger. This muſt certainly befal as many as are lewd, fooliſh, negligent, imprudent, cowardly, wicked, vicious, or any way unworthy the places they obtain; for their reign is a perpetual exerciſe of the moſt extreme and ruinous injuſtice: every man that follows an honeſt intereſt, is prejudic'd: every one who finds the power that was ordained for his good, to be turned to his hurt, will be angry and hate him that does it: if the people be of uncorrupted manners, this hatred will be univerſal, becauſe every one of them deſires that which is juſt; if compoſed of good and evil, the firſt will always be averſe to the evil government, and the others endeavouring to uphold it, the ſafety of the prince muſt depend upon the prevalence of either party. If the beſt prove to be the ſtrongeſt, he muſt periſh: and knowing himſelf to be ſupported only by the worſt, he will always deſtroy as many of his enemies as he can; weaken thoſe that remain; enrich his creatures with their ſpoils and confiſcations; by fraud and rapine accumulate treaſures to increaſe the number of his party, and advance them into all places of power and truſt, that by their aſſiſtance he may cruſh his adverſaries; and every man is accounted his adverſary, who has either eſtate, honour, virtue or reputation. This naturally caſts all the power into the hands of thoſe who have no ſuch dangerous qualities, nor any thing to recommend them, but an abſolute reſignation of themſelves to do whatever they are commanded. Theſe men having neither will

nor knowledge to do good, as ſoon as they come to be in power, juſtice is perverted, military diſcipline neglected, the public treaſures exhauſted, new projects invented to raiſe more; and the prince's wants daily increaſing, through their ignorance, negligence, or deceit, there is no end of their devices and tricks to gain ſupplies. To this end ſwarms of ſpies, informers and falſe witneſſes are ſent out to circumvent the richeſt and moſt eminent men: the tribunals are fill'd with court-paraſites of profligate conſciences, fortunes and reputation, that no man may eſcape who is brought before them. If crimes are wanting, the diligence of well-choſen officers and proſecutors, with the favour of the judges, ſupply all defects; the law is made a ſnare; virtue ſuppreſs'd, vice fomented, and in a ſhort time honeſty and knavery, ſobriety and lewdneſs, virtue and vice, become badges of the ſeveral factions; and every man's converſation and manners ſhewing to what party he is addicted, the prince who makes himſelf head of the worſt, muſt favour them to the overthrow of the beſt, which is ſo ſtreight a way to an univerſal ruin, that no ſtate can prevent it, unleſs that courſe be interrupted.

Theſe things conſider'd, no general judgment can be made of a magiſtrate's counſels, from his name or duty. He that is juſt, and become grateful to the people by doing good, will find his own honour and ſecurity in increaſing their number, riches, virtue, and power: if on the other ſide, by doing evil, he has drawn upon himſelf the public hatred, he will always endeavour to take from them the power of doing him any hurt, by bringing them into the utmoſt weakneſs, poverty, and baſeneſs. And whoever would know whether any particular prince deſires to increaſe or deſtroy the bodies and goods of his

his ſubjects, muſt examine whether his government be ſuch as renders him grateful or odious to them; and whether he do purſue the public intereſt, or for the advancement of his own authority ſet up one in himſelf contrary to that of his people; which can never befal a popular government, and conſequently no miſchief equal to it can be produced by any ſuch, unleſs ſomething can be imagined worſe than corruption and deſtruction.

SECT. XXVIII.

Men living under popular or mixed governments, are more careful of the public good, than in abſolute monarchies.

OUR author delighting in ſtrange things, does in the next place, with an admirable ſagacity, diſcover two faults in popular governments, that were never found by any man before him; and theſe are no leſs than ignorance and negligence. Speaking of the care of princes to preſerve their ſubjects, he adds, "On the contrary in a popular "ſtate, every man knows the public good doth not "wholly depend upon his care, but the common-"wealth may be well enough governed by others, "tho' he only tend his private buſineſs." And a little below, "Nor are they much to be blamed "for their negligence, ſince it is an even wager "their ignorance may be as great. The magiſ-"trates amongſt the people being for the moſt part "annual, do always lay down their office before "they underſtand it; ſo as a prince of a duller "underſtanding muſt needs excel them." This is bravely determin'd, and the world is beholden to Filmer for the diſcovery of the errors that have hitherto been epidemical. Moſt men had believed,

that ſuch as live in free ſtates, are uſually pleas'd with their condition, deſire to maintain it; and every man finding his own good comprehended in the public, as thoſe that ſail in the ſame ſhip, imploys the talent he has in endeavouring to preſerve it, knowing that he muſt periſh if that miſcarry. This was an encouragement to induſtry; and the continual labours and dangers to which the Romans and other free nations expoſed themſelves, have been taken for teſtimonies that they thought themſelves concerned in the buſineſſes that paſſed among them, and that every one did not neglect them through an opinion that they would be done well enough by others. It was alſo thought that free cities, by frequent elections of magiſtrates, became nurſeries of great and able men, every man endeavouring to excel others, that he might be advanced to the honour he had no other title to than what might ariſe from his merit or reputation; in which they ſucceeded ſo well, that one of them may be juſtly ſaid to have produced more eminent men, than all the abſolute monarchies that have been in the world. But theſe were miſtakes. Perhaps Brutus Valerius, and other Roman ſenators or magiſtrates, for the ſpace of three hundred years, might have taken ſome care of the commonwealth, if they had thought it wholly depended upon one of them. But believing it would be well enough governed by others, they neglected it. Camillus, Cincinnatus, Papirius, Fabius, Rullus and Maximus, Scipio Africanus, Amilcar, Hannibal, Pericles, Themiſtocles, Alcibiades, Epaminondas, Philopemen, and others, might have proved able men in affairs of war or government; but they were removed from their offices before they underſtood them, and muſt needs be excelled in both by princes,

tho' of duller underſtanding. This may be enough to excuſe them for performing their duty ſo ſlackly and meanly: but 'tis ſtrange that Tacitus, and others, ſhould ſo far overlook the reaſon, and ſo groſly miſtake the matter of fact, as not only to ſay, that great and excellent ſpirits failed when liberty was loſt, and all preferments given to thoſe who were moſt propenſe to ſlavery; but that there wanted men even to write the hiſtory, "Inſcitia reipublicæ "ut alienæ*." They never applied themſelves to underſtand affairs depending upon the will of one man, in whom they were no otherwiſe concern'd, than to avoid the effects of his rage; and that was chiefly to be done, by not falling under the ſuſpicion of being virtuous. This was the ſtudy then in requeſt; and the moſt cunning in this art were called Scientes temporum: no other wiſdom was eſteemed in that and the enſuing ages, and no more was requir'd, ſince the paternal care, deep wiſdom, and profound judgment of the princes provided for all; and tho' they were of duller underſtandings, they muſt needs excel other magiſtrates, who having been created only for a year, left their offices before they could underſtand the duties of them. This was evidenced by that tenderneſs and ſincerity of heart, as well as the great purity of manners obſerved in Tiberius; the clemency, juſtice, ſolid judgment and frugality of Caligula; the induſtry, courage and ſobriety of Claudius; the good nature and prudent government of Nero; the temperance, vivacity and diligence of Vitellius, the liberality of Galba and Veſpaſian; together with the encouragement given by Domitian, Commodus, Heliogabalus, and many others, to all manner of virtues and favours conferred upon thoſe that excel-

* Tacit. Annal. l. 1.

ed in them. Our author giving ſuch infallible proof of his integrity and underſtanding, by teaching us theſe things that would never have come into our heads, ought to be credited, tho' that which he propoſes ſeem to be moſt abſurd. But if we believe ſuch as lived in thoſe times, or thoſe who in latter ages have peruſed their writings, we cannot but think the princes beforementioned, and the greateſt part of thoſe who poſſeſſed the ſame place, not only to have been void of all virtue, and to have ſuffer'd none to grow up under them but in baſeneſs, ſottiſhneſs and malice, to have been equal to the worſt of all beaſts. Whilſt one prince polluted with luſt and blood, ſat in his grotto at Capreæ, ſurrounded with an infamous troop of aſtrologers, and others were govern'd by whores, bardache's, manumiſed ſlaves, and other villains, the empire was ruin'd through their negligence, incapacity and wickedneſs; and the city that had flouriſh'd in all manner of virtue, as much or more than any that has been yet known in the world, produced no more; the diſcipline was diſſolved that nouriſh'd it; no man could hope to advance a public good, or obviate an evil by his diligence and valour; and he who acquired reputation by either, could expect no other reward than a cruel death. If Germanicus and Corbulo, who were born when liberty was expiring, be brought for examples againſt the firſt part of my aſſertion, their ends will juſtify the latter; and no eminent Roman family is known to have brought forth a man that deſerved to be named in hiſtory ſince their time. This is as probable in reaſon as true in fact. Men are valiant and induſtrious, when they fight for themſelves and their country; they prove excellent in all the arts of war and peace, when they are bred up in

in virtuous exerciſes, and taught by their fathers and maſters to rejoice in the honours gained by them: they love their country, when the good of every particular man is comprehended in the public proſperity, and the ſucceſs of their atchievements is improved to the general advantage: they undertake hazards and labours for the government, when 'tis juſtly adminiſtered; when innocence is ſafe, and virtue honour'd; when no man is diſtinguiſh'd from the vulgar, but ſuch as have diſtinguiſh'd themſelves by the bravery of their actions; when no honour is thought too great for thoſe who do it eminently, unleſs it be ſuch as cannot be communicated to others of equal merit: they do not ſpare their perſons, purſes, or friends, when the public powers are employ'd for the public benefit, and imprint the like affections in their children from their infancy. The diſcipline of obedience in which the Romans were bred, taught them to command: and few were admitted to the magiſtracies of inferior rank, till they had given ſuch proof of their virtue as might deſerve the ſupreme. Cincinnatus, Camillus, Papirius, Mamercus, Fabius Maximus, were not made dictators, that they might learn the duties of the office; but becauſe they were judged to be of ſuch wiſdom, valour, integrity and experience, that they might be ſafely truſted with the higheſt powers; and whilſt the law reigned, not one was advanced to that honour, who did not fully anſwer what was expected from him. By this means the city was ſo repleniſhed with men fit for the greateſt employments, that even in its infancy, when three hundred and ſix of the Fabii, "Quorum neminem, ſays Livy, ducem ſperneret quibuſlibet temporibus ſenatus," were killed in one day, the city did lament the loſs, but was not ſo weak-

weakned to give any advantage to their enemies: and when every one of thoſe who had been eminent before the ſecond Punic war, Fabius Maximus only excepted, had periſhed in it, others aroſe in their places, who ſurpaſſed them in number, and were equal to them in virtue. The city was a perpetual ſpring of ſuch men as long as liberty laſted; but that was no ſooner overthrown, than virtue was torn up by the roots; the people became baſe and ſordid, the ſmall remains of the nobility ſlothful and effeminate, and their Italian aſſociates becoming like to them, the empire whilſt it ſtood, was only ſuſtained by the ſtrength of foreigners.

The Grecian virtue had the ſame fate, and expired with liberty: inſtead of ſuch ſoldiers as in their time had no equals, and ſuch generals of armies and fleets, legiſlators and governors, as all ſucceeding ages have juſtly admired, they ſent out ſwarms of fidlers, jeſters, chariot-drivers, players, bawds, flatterers, miniſters of the moſt impure luſts; or idle, babling, hypocritical philoſophers not much better than they. The emperors courts were always crouded with this vermin; and notwithſtanding the neceſſity our author imagines that princes muſt needs underſtand matters of government better than magiſtrates annually choſen, they did for the moſt part prove ſo brutiſh as to give themſelves and the world to be governed by ſuch as theſe, and that without any great prejudice, ſince none could be found more ignorant, lewd, and baſe than themſelves.

'Tis abſurd to impute this to the change of times; for time changes nothing; and nothing was changed in thoſe times but the government, and that changed all things. This is not accidental, but according to the rules given to nature by God, impoſing upon all things a neceſſity of perpetually following

lowing their cauſes. Fruits are always of the ſame nature with the ſeeds and roots from which they come, and trees are known by the fruits they bear: as a man begets a man, and a beaſt a beaſt, that ſociety of men which conſtitutes a government upon the foundation of juſtice, virtue, and the common good, will always have men to promote thoſe ends; and that which intends the advancement of one man's deſires and vanity, will abound in thoſe that will foment them. All men follow that which ſeems advantageous to themſelves. Such as are bred under a good diſcipline, and ſee that all benefits procured to their country by virtuous actions, redound to the honour and advantage of themſelves, their children, friends, and relations, contract from their infancy a love to the public, and look upon the common concernments as their own. When they have learnt to be virtuous, and ſee that virtue is in eſteem, they ſeek no other preferments than ſuch as may be obtained that way; and no country ever wanted great numbers of excellent men, where this method was eſtabliſhed. On the other ſide, when 'tis evident that the beſt are deſpiſed, hated, or mark'd out for deſtruction; all things calculated to the humour or advantage of one man, who is often the worſt, or govern'd by the worſt; honours, riches, commands, and dignities diſpoſed by his will, and his favour gained only by a moſt obſequious reſpect, or a pretended affection to his perſon, together with a ſervile obedience to his commands, all application to virtuous actions will ceaſe; and no man caring to render himſelf or his children worthy of great imployments, ſuch as deſire to have them will by little intrigues, corruption, ſcurrility and flattery endeavour to make way to them; by which means true merit in a ſhort time comes to be aboliſh'd,

liſh'd, as fell out in Rome as ſoon as the Cæſars began to reign.

He who does not believe this, may ſee whether the like did not happen in all other commonwealths of Italy and Greece; or if modern examples are thought to be of more value, let him examine whether the noblemen of Venice, who are born and bred in families that never knew a maſter, who act for themſelves, and have a part in all the good or evil that befals the commonwealth, and know that if it be deſtroy'd, they muſt periſh, or at leaſt that all changes are to their prejudice, do neglect the public intereſts, as thinking that the whole not depending upon any one of them, things will be well enough governed, tho' they attend only their private benefit. Let it be obſerved whether they do better underſtand the common concernments, than the great men of France or Spain, who never come to the knowledge of any thing, unleſs they happen to be favour'd by the king or his miniſters, and know themſelves never to be more miſerable than when their maſter is moſt proſperous. For my own part, I cannot think it neceſſary to allege any other proof of this point than that when Maximilian the emperor *, Lewis the twelfth of France, the fierce pope Julian the ſecond, and Ferdinand the ſubtil, powerful, and bold king of Spain, had by the league of Cambray combin'd againſt the Venetians, gained the battle of La Ghirad'adda, taken Alviano their general priſoner, deprived them of all their dominion on the terra firma, and prepared to aſſault the city, it was, under God, ſolely preſerved by the vigour and wiſdom of the nobility, who tho' no way educated to war, unleſs by ſea, ſparing neither perſons nor purſes, did with admirable

* Paol. Paruta hiſt. Venet. Guicciard.

mirable induſtry and courage firſt recover Padoüa, and then many other cities, ſo as at the end of that terrible war they came off without any diminution of their territories. Whereas Portugal having in our age revolted from the houſe of Auſtria, no one doubts that it had been immediately reduced, if the great men of Spain had not been pleaſed with ſuch a leſſening of their maſter's power, and reſolved not to repair it by the recovery of that kingdom, or to deprive themſelves of an eaſy retreat when they ſhould be oppreſſed by him or his favourites. The like thought was more plainly expreſs'd by the mareſchal de Baſſompierre, who ſeeing how hardly Rochel was preſſed by Lewis the thirteenth, ſaid, * he thought they ſhould be ſuch fools to take it: but 'tis believ'd they would never have been ſuch fools; and the treachery only of our countrymen did enable the cardinal Richlieu to do it (as for his own glory, and the advancement of the popiſh cauſe he really intended) and nothing is to this day more common in the mouth of their wiſeſt and beſt men, tho' papiſts, than the acknowledgment of their own folly in ſuffering that place to fall, the king having by that means gotten power to proceed againſt them at his pleaſure. The brave monſieur de Turenne is ſaid to have carried this to a greater height in his laſt diſcourſe to the preſent king of France: "You "think, ſaid he, you have armies, but you have "none; the one half of the officers are the bawdy-"houſe companions of monſieur de ***, or the "creatures of his whore madam de ***: the other "half may be men of experience and fit for their "imployments; but they are ſuch as would be "pleaſed with nothing more than to ſee you loſe

* Je croy qu'enfin nous ſerons aſſez fous pour prendre la Rochelle. Mem. de Baſſom-pierre.

" two or three battles, that coming to ſtand in need " of them, you might cauſe them to be better uſed " by your miniſters than of late they have been." It may be eaſily imagin'd how men in ſuch ſentiments do ſerve their maſter; and nothing is more evident than that the French in this age have had ſo great advantages, that they might have brought Europe, and perhaps Aſia, under their power, if the intereſt of the nation had been united to that of the government, and the ſtrength, vigour, and bravery of the nobility employ'd that way. But ſince it has pleaſed God to ſuffer us to fall into a condition of being little able to help ourſelves, and that they are in ſo good terms with the Turk as not to attack him, 'tis our happineſs that they do not know their own ſtrength, or cannot without ruin to themſelves turn it to our prejudice.

I could give yet more pregnant teſtimonies of the difference between men fighting for their own intereſts in the offices to which they had been advanced by the votes of numerous aſſemblies, and ſuch as ſerve for pay, and get preferments by corruption or favour, if I were not unwilling to ſtir the ſpleen of ſome men by obliging them to reflect upon what has paſſed in our own age and country; to compare the juſtice of our tribunals within the time of our memory, and the integrity of thoſe who for a while manag'd the public treaſure; the diſcipline, valour, and ſtrength of our armies and fleets; the increaſe of our riches and trade; the ſucceſs of our wars in Scotland, Ireland, and at ſea, the glory and reputation not long ſince gained, with that condition into which we are of late fallen. But I think I ſhall offend no wiſe or good man, if I ſay, that as neither the Romans nor Grecians in the time of their liberty ever performed any actions more glori-

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ous than freeing the country from a civil war that had raged in every part, the conqueſt of two ſuch kingdoms as Scotland and Ireland, and cruſhing the formidable power of the Hollanders by ſea; nor ever produced more examples of valour, induſtry, integrity, and in all reſpects compleat, diſintereſted, unmoveable and incorruptible virtue, than were at that time ſeen in our nation: ſo neither of them upon the change of their affairs did exceed us in weakneſs, cowardice, baſeneſs, venality, lewdneſs, and all manner of corruption. We have reaſon therefore not only to believe that all princes do not neceſſarily underſtand the affairs of their people, or provide better for them than thoſe who are otherwiſe choſen; but that, as there is nothing of greatneſs, power, riches, ſtrength, and happineſs, which we might not reaſonably have hoped for, if we had rightly improved the advantages we had, ſo there is nothing of ſhame and miſery which we may not juſtly fear, ſince we have neglected them.

If any man think that this evil of advancing officers for perſonal reſpects, favour or corruption, is not of great extent, I deſire him to conſider, that officers of ſtate, courts of juſtice, church, armies, fleets and corporations, are of ſuch number and power as wholly to corrupt a nation when they themſelves are corrupted; and will ever be corrupt, when they attain to their offices by corruption. The good management of all affairs, civil, military, and eccleſiaſtical, neceſſarily depends upon good order and diſcipline; and 'tis not in the power of common men to reform abuſes patronized by thoſe in authority, nor to prevent the miſchiefs thereupon enſuing; and not having power to direct public actions to the public good, they muſt conſequently want the induſtry and affec-

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tion that is required to bring them to a good iſſue. The Romans were eaſily beaten under the Decemviri, tho' immediately before the erection, and after the extinction of that power, none of their neighbours were able to reſiſt them. The Goths who with much glory had reigned in Spain for about three hundred years, had neither ſtrength nor courage under their lewd and odious king Rodrigo, and were in one day ſubdued with little loſs of blood by the Saracens, and could not in leſs than eight hundred years free their country from them. That brave nation having of late fallen under as baſe a conduct, has now as little heart or power to defend it ſelf: court-paraſites have rendered valour ridiculous; and they who have ever ſhew'd themſelves as much inclin'd to arms as any people of the world, do now abhor them, and are ſent to the wars by force, laid in carts, and bound like calves brought to the ſhambles, and left to ſtarve in Flanders as ſoon as they arrive. It may eaſily be judged what ſervice can be expected from ſuch men, tho' they ſhould happen to be well commanded: but the great officers, by the corruption of the court, think only of enriching themſelves; and increaſing the miſery of the ſoldiers by their frauds, both become equally uſeleſs to the ſtate.

Notwithſtanding the ſeeming proſperity of France, matters there are not much better managed. The warlike temper of that people is ſo worn out by the frauds and cruelties of corrupt officers, that few men liſt themſelves willingly to be ſoldiers; and when they are engaged or forced, they are ſo little able to endure the miſeries to which they are expoſed, that they daily run away from their colours, tho' they know not whither to go, and expect no mercy if they are taken. The king has in vain attempted to correct this humour by the ſeverity of martial law; but

but mens minds will not be forced; and tho' his troops are perfectly well arm'd, cloth'd, and exerciſed, they have given many teſtimonies of little worth. When the prince of Condé had by his own valour, and the ſtrength of the king's guards, broken the firſt line of the prince of Orange's army at the battel of Seneff, and put the reſt into diſorder, he could not make the ſecond and third line of his own army to advance and reinforce the firſt, by which means he loſt all the fair hopes he had conceived of an entire victory. Not long after, the Marechal de Crequi was abandoned by his whole army near Trier, who ran away, hardly ſtriking a ſtroke, and left him with ſixteen horſe to ſhift for himſelf. When Monſieur de Turenne, by the excellency of his conduct and valour, had gain'd ſuch a reputation amongſt the ſoldiers, that they thought themſelves ſecure under him, he did not ſuffer ſuch diſgraces; but he being kill'd, they returned to the uſual temper of forced and ill-uſed ſoldiers: half the army was loſt in a retreat, little differing from a flight; and the reſt, as they themſelves confeſs, ſaved by the bravery of two Engliſh regiments. The prince of Condé was ſoon after ſent to command; but he could not with all his courage, ſkill and reputation, raiſe their fallen ſpirits, nor preſerve his army any other way, than by lodging them in a camp near Schleſtadt, ſo fortified by art and nature that it could not be forc'd.

To theſe we may add ſome examples of our own. In our late war the Scots foot, whether friends or enemies, were much inferior to thoſe of the parliament, and their horſe eſteemed as nothing. Yet in the year 1639 and 1640, the king's army, tho' very numerous, excellently armed and mounted, and in appearance able to conquer many ſuch kingdoms

as Scotland, being under the conduct of courtiers, and affected as men uſually are towards thoſe that uſe them ill, and ſeek to deſtroy them, they could never reſiſt a wretched army commanded by Leven; but were ſhamefully beaten at Newborn, and left the northern counties to be ravaged by them.

When Van Tromp ſet upon Blake in Foleſton-Bay, the parliament had not above thirteen ſhips againſt threeſcore, and not a man that had ever ſeen any other fight at ſea, than between a merchant ſhip and a pirate, to oppoſe the beſt captain in the world, attended with many others in valour and experience not much inferior to him. Many other difficulties were obſerv'd in the unſettled ſtate: few ſhips, want of money, ſeveral factions, and ſome who to advance particular intereſts betray'd the public. But ſuch was the power of wiſdom and integrity in thoſe that ſat at the helm, and their diligence in chooſing men only for their merit was bleſſed with ſuch ſucceſs, that in two years our fleets grew to be as famous as our land armies; the reputation and power of our nation roſe to a greater height, than when we poſſeſſed the better half of France, and the kings of France and Scotland were our priſoners. All the ſtates, kings and potentates of Europe, moſt reſpectfully, not to ſay ſubmiſſively, ſought our friendſhip; and Rome was more afraid of Blake and his fleet, than they had been of the great king of Sweden, when he was ready to invade Italy with a hundred thouſand men. This was the work of thoſe, who, if our author ſay true, "thought baſely of the pub-"lic concernments;" and believing things might be well enough managed by others, minded only their private affairs. Theſe were the effects of the negligence and ignorance of thoſe, who being ſuddenly advanced to offices, were removed before they under-

ſtood the duties of them. Theſe diſeaſes which proceed from popular corruption and irregularity, were certainly cured by the reſtitution of that integrity, good order and ſtability that accompany divine monarchy. The juſtice of the war made againſt Holland in the year 1665; the probity of the gentleman, who without partiality or bribery, choſe the moſt part of the officers that carried it on; the wiſdom, diligence and valour manifeſted in the conduct, and the glory with which it was ended, juſtifies all that our author can ſay in its commendation. If any doubt remains, the ſubtilty of making the king of France deſire that the Netherlands might be an acceſſion to his crown; the ingenious ways taken by us to facilitate the conqueſt of them; the induſtry of our ambaſſadors in diverting the Spaniards from entring into the war 'till it was too late to recover the loſſes ſuſtain'd; the honourable deſign upon the Smyrna fleet, and our frankneſs in taking the quarrel upon ourſelves; together with the important figure we now make in Europe, may wholly remove it; and in confirmation of our author's doctrine, ſhew, that princes do better perform the offices that require wiſdom, induſtry and valour, than annual magiſtrates; and do more ſeldom err in the choice of officers, than ſenates and popular aſſemblies.

SECT. XXIX.

There is no aſſurance that the diſtempers of a ſtate ſhall be cured by the wiſdom of a prince.

"BUT, ſays our author, the virtue and wiſ-
"dom of a prince ſupplies all. Tho' he were
"of a duller underſtanding, by uſe and experience
"he muſt needs excel all:" nature, age, or ſex, are,

as it ſeems, nothing to the caſe. A child as ſoon as he comes to be a king, has experience; the head of a fool is filled with wiſdom, as ſoon as a crown is ſet upon it, and the moſt vicious do in a moment become virtuous. This is more ſtrange than that an aſs being train'd to a courſe, ſhould out-run the beſt Arabian horſe; or a hare bred up in an army, become more ſtrong and fierce than a lion; for fortune does not only ſupply all natural defects in princes, and correct their vices, but gives them the benefit of uſe and experience, when they have none. Some reaſons and examples might have been expected to prove this extraordinary propoſition: but according to his laudable cuſtom, he is pleaſed to trouble himſelf with neither; and thinks that the impudence of an aſſertion is ſufficient to make that to paſs, which is repugnant to experience and common ſenſe, as may appear by the following diſcourſe.

I will not inſiſt upon terms; for tho' *duller underſtanding* ſignifies nothing, in as much as no underſtanding is dull, and a man is ſaid to be dull only becauſe he wants it; but preſuming he means little underſtanding, I ſhall ſo take it. This defect may poſſibly be repair'd in time; but to conclude it muſt be ſo, is abſurd, for no one has this uſe and experience when he begins to reign. At that time many errors may be committed to the ruin of himſelf or people, and many have periſh'd even in their beginning. Edward the fifth and ſixth of England, Francis the ſecond of France, and divers other kings have died in the beginning of their youth: Charles the ninth lived only to add the furies of youth to the follies of his childhood; and our Henry the ſecond, Edward the ſecond, Richard the ſecond, and Henry the ſixth, ſeem to have been little wiſer in the laſt, than in the firſt year of their reign or life. The

preſent

preſent kings of Spain, France, and Sweden, came to the crowns they wear before the ſixth year of their age; and if they did then ſurpaſs all annual magiſtrates in wiſdom and valour, it was by a peculiar gift of God, which for any thing we know, is not given to every king, and it was not uſe and experience that made them to excel. If it be pretended that this experience, with the wiſdom that it gives, comes in time and by degrees; I may modeſtly aſk, what time is requir'd to render a prince excellent in wiſdom who is a child or a fool? and who will give ſecurity that he ſhall live to that time, or that the kingdom ſhall not be ruin'd in the time of his folly? I may alſo doubt how our author, who concludes that every king in time muſt needs become excellent in wiſdom, can be reconciled to Solomon, who in preferring a wiſe child before an old and fooliſh king that will not be adviſed, ſhews that an old king may be a fool, and he that will not be adviſed is one. Some are ſo naturally brutiſh and ſtupid, that neither education nor time will mend them. 'Tis probable that Solomon took what care he could to inſtruct his only ſon Rehoboam; but he was certainly a fool at forty years of age, and we have no reaſon to believe that he deſerv'd a better name. He ſeems to have been the very fool his father intended, who tho' brayed in a mortar would never leave his folly: he would not be adviſed, tho' the hand of God was againſt him; ten tribes revolted from him, and the city and temple was pillaged by the Egyptians. Neither experience nor afflictions could mend him, and he is called to this day by his own countrymen ſtultitia gentium. I might offend tender ears, if I ſhould alledge all the examples of princes mentioned in hiſtory, or known in our own age, who have lived and died

as fooliſh and incorrigible as he: but no man, I preſume, will be ſcandalized, that the ten laſt kings of Meroveus his race, whom the French hiſtorians call Les roy faineants, were ſo far from excelling other men in underſtanding, that they liv'd and died more like to beaſts than men. Nay, the wiſdom and valour of Charles Martel expired in his grandchild Charles the great; and his poſterity grew to be ſo ſottiſh, that the French nation muſt have periſhed under their conduct, if the nobility and people had not rejected them, and placed the crown upon a more deſerving head.

This is as much as is neceſſary to be ſaid to the general propoſition; for it is falſe, if it be not always true; and no concluſion can be made upon it. But I need not be ſo ſtrict with our author, there being no one ſound part in his aſſertion. Many children come to be kings when they have no experience, and die, or are depos'd before they can gain any. Many are by nature ſo ſottiſh that they can learn nothing: others falling under the power of women, or corrupt favourites and miniſters, are perſwaded and ſeduced from the good ways to which their own natural underſtanding or experience might lead them; the evils drawn upon themſelves or their ſubjects, by the errors committed in the time of their ignorance, are often grievous, and ſometimes irreparable, tho' they ſhould be made wiſe by time and experience. A perſon of royal birth and excellent wit, was ſo ſenſible of this as to tell me, "That the condition "of kings was moſt miſerable, in as much as they "never heard truth till they were ruin'd by lies, "and then every one was ready to tell it to them, "not by way of advice, but reproach, and rather "to vent their own ſpite, than to ſeek a remedy to "the evils brought upon them and the people."

Others

Others attain to crowns when they are of full age, and have experience as men, tho' none as kings; and therefore are apt to commit as great miſtakes as children: and upon the whole matter all the hiſtories of the world ſhew, that inſtead of this profound judgment and incomparable wiſdom which our author generally attributes to all kings, there is no ſort of men that do more frequently and intirely want it.

But tho' kings were always wiſe by nature, or made to be ſo by experience, it would be of little advantage to nations under them, unleſs their wiſdom were pure, perfect, and accompanied with clemency, magnanimity, juſtice, valour and piety. Our author durſt hardly have ſaid, that theſe virtues or graces are gained by experience, or annexed by God to any rank of men or families. He gives them where he pleaſes without diſtinction. We ſometimes ſee thoſe upon thrones, who by God and nature ſeem to have been deſigned for the moſt ſordid offices; and thoſe have been known to paſs their lives in meanneſs and poverty, who had all the qualities that could be deſir'd in princes. There is likewiſe a kind of ability to diſpatch ſome ſort of affairs, that princes who continue long in a throne may to a degree acquire or increaſe. Some men take this for wiſdom, but K. James more rightly called it by the name of kingcraft; and as it principally conſiſts in diſſimulation, and the arts of working upon mens paſſions, vanities, private intereſts or vices, to make them for the moſt part inſtruments of miſchief, it has the advancement or ſecurity of their own perſons for object, is frequently exerciſed with all the exceſſes of pride, avarice, treachery and cruelty; and no men have been ever found more notoriouſly to deflect from all that deſerves praiſe in a

prince, or a gentleman, than thoſe that have moſt excelled in it. Pharaſmenes king of Iberia, is recorded by Tacitus * to have been well vers'd in this ſcience. His brother Mithridates king of Armenia had married his daughter, and given his own daughter to Rhadamiſtus ſon of Pharaſmenes. He had ſome conteſts with Mithridates, but by the help of theſe mutual alliances, nearneſs of blood, the diligence of Rhadamiſtus, and an oath, ſtrengthen'd with all the ceremonies that amongſt thoſe nations were eſteemed moſt ſacred, not to uſe arms or poiſon againſt him, all was compos'd; and by this means getting him into his power, he ſtifled him with a great weight of clothes thrown upon him, kill'd his children, and not long after his own ſon Rhadamiſtus alſo. Louis the eleventh of France, James the third of Scotland, Henry the ſeventh of England, were great maſters of theſe arts; and thoſe who are acquainted with hiſtory, will eaſily judge how happy nations would be if all kings did in time certainly learn them.

Our author, as a farther teſtimony of his judgment, having ſaid that kings muſt needs excel others in underſtanding, and grounded his doctrine upon their profound wiſdom, imputes to them thoſe baſe and panic fears which are inconſiſtent with it, or any royal virtue: and to carry the point higher, tells us, "There is no tyrant ſo barbarouſly wicked, "but his own reaſon and ſenſe will tell him, that "tho' he be a God, yet he muſt die like a man; "and that there is not the meaneſt of his ſubjects, "but may find a means to revenge himſelf of the "injuries offer'd him:" and from thence concludes, that "there is no ſuch tyranny as that of a multi-"tude which is ſubject to no ſuch fears." But if

* Tacit. An. l. 11. c. 12.

there

there be ſuch a thing in the world, as a barbarous and wicked tyrant, he is ſomething different from a king, or the ſame; and his wiſdom is conſiſtent or inconſiſtent with barbarity, wickedneſs, and tyranny. If there be no difference, the praiſes he gives, and the rights he aſcribes to the one belong alſo to the other: and the excellency of wiſdom may conſiſt with barbarity, wickedneſs, tyranny, and the panic fears that accompany them; which hitherto have been thought to comprehend the utmoſt exceſſes of folly and madneſs: and I know no better teſtimony of the truth of that opinion, than that wiſdom always diſtinguiſhing good from evil, and being ſeen only in the rectitude of that diſtinction, in following and adhering to the good, rejecting that which is evil, preferring ſafety before danger, happineſs before miſery, and in knowing rightly how to uſe the means of attaining or preſerving the one, and preventing or avoiding the other, there cannot be a more extravagant deviation from reaſon, than for a man, who in a private condition might live ſafely and happily, to invade a principality: or if he be a prince, who by governing with juſtice and clemency might obtain the inward ſatisfaction of his own mind, hope for the bleſſing of God upon his juſt and virtuous actions, acquire the love and praiſes of men, and live in ſafety and happineſs amongſt his ſafe and happy ſubjects, to fall into that barbarity, wickedneſs and tyranny, which brings upon him the diſpleaſure of God, and deteſtation of men, and which is always attended with thoſe baſe and panic fears, that comprehend all that is ſhameful and miſerable. This being perceiv'd by Machiavel *, he could not think that any man in his ſenſes would not rather be a Scipio than

* Diſcorſ. ſopra T. Liv. l. 1. c. 10.

a Cæſar; or if he came to be a prince, would not rather chooſe to imitate Ageſilaus, Timoleon, or Dion, than Nabis, Phalaris, or Dionyſius; and imputes the contrary choice to madneſs. Nevertheleſs 'tis too well known that many of our author's profound wiſe men in the depth of their judgment, made perfect by uſe and experience, have fallen into it.

If there be a difference between this barbarous wicked tyrant, and a king, we are to examine who is the tyrant, and who the king; for the name conferred or aſſumed cannot make a king, unleſs he be one. He who is not a king, can have no title to the rights belonging to him who is truly a king: ſo that a people who find themſelves wickedly and barbarouſly oppreſſed by a tyrant, may deſtroy him and his tyranny without giving offence to any king.

But 'tis ſtrange that Filmer ſhould ſpeak of the barbarity and wickedneſs of a tyrant, who looks upon the world to be the patrimony of one man; and for the foundation of his doctrine, aſſerts ſuch a power in every one that makes himſelf maſter of any part, as cannot be limited by any law. His title is not to be queſtioned; uſurpation and violence confer an inconteſtable right: the exerciſe of his power is no more to be diſputed than the acquiſition: his will is a law to his ſubjects; and no law can be impoſed by them upon his conduct. For if theſe things be true, I know not how any man could ever be called a tyrant, that name having never been given to any, unleſs for uſurping a power that did not belong to him, or an unjuſt exerciſe of that which had been conferred upon him, and violating the laws which ought to be a rule to him. 'Tis alſo hard to imagine how any man can be called barbarous and wicked, if he be obliged by no law but that of his own

own pleaſure; for we have no other notion of wrong, than that it is a breach of the law which determines what is right. If the lives and goods of ſubjects depend upon the will of the prince, and he in his profound wiſdom preſerve them only to be beneficial to himſelf, they can have no other right than what he gives, and without injuſtice may retain when he thinks fit: if there be no wrong, there can be no juſt revenge; and he that pretends to ſeek it, is not a free man vindicating his right, but a perverſe ſlave riſing up againſt his maſter. But if there be ſuch a thing as a barbarous and wicked tyrant, there muſt be a rule relating to the acquiſition and exerciſe of the power, by which he may be diſtinguiſh'd from a juſt king; and a law ſuperior to his will, by the violation of which he becomes barbarous and wicked.

Tho' our author ſo far forgets himſelf, to confeſs this to be true, he ſeeks to deſtroy the fruits of it by ſuch flattery as comprehends all that is moſt deteſtable in profaneneſs and blaſphemy, and gives the name of Gods to the moſt execrable of men. He may by ſuch language deſerve the name of Heylin's diſciple; but will find few among the heathens ſo baſely ſervile, or ſo boldly impious. Tho' Claudius Cæſar was a drunken ſot, and tranſported with the extravagance of his fortune, he deteſted the impudence of his predeceſſor Caligula, (who affected that title) and in his reſcript to the procurator of Judea, gives it no better name than "turpem Caii inſaniam." For this reaſon it was rejected by all his pagan ſucceſſors, who were not as furiouſly wicked as he: yet Filmer has thought fit to renew it, for the benefit of mankind, and the glory of the chriſtian religion.

I know not whether theſe extreme and barbarous errors of our author are to be imputed to wickedneſs

or

or madneſs; or whether, to ſave the pains of a diſtinction, they may not rightly be ſaid to be the ſame thing; but nothing leſs than the exceſs of both could induce him to attribute any thing of good to the fears of a tyrant, ſince they are the chief cauſes of all the miſchiefs he does. Tertullian ſays they are "Metu quam furore ſæviores;" and Tacitus*, ſpeaking of a moſt wicked king, ſays, that he did "Sævitiam ignaviæ obtendere;" and we do not more certainly find that cowards are the cruelleſt of men, than that wickedneſs makes them cowards; that every man's fears bear a proportion with his guilt, and with the number, virtue and ſtrength of thoſe he has offended. He who uſurps a power over all, or abuſes a truſt repoſed in him by all, in the higheſt meaſure offends all; he fears and hates thoſe he has offended, and to ſecure himſelf, aggravates the former injuries: when theſe are public, they beget a univerſal hatred, and every man deſires to extinguiſh a miſchief that threatens ruin to all. This will always be terrible to one that knows he has deſerved it; and when thoſe he dreads are the body of the people, nothing but a public deſtruction can ſatisfy his rage, and appeaſe his fears.

I wiſh I could agree with Filmer, in exempting multitudes from fears; for they having ſeldom committed any injuſtice, unleſs through fear, would, as far as human frugality permits, be free from it. Tho' the Attic Oſtraciſm was not an extreme puniſhment, I know nothing uſually practiſed in any commonwealth, that did ſo much ſavour of injuſtice: but it proceeded ſolely from a fear that one man, tho' in appearance virtuous, when he came to be raiſed too much above his fellow citizens, might be tempted to invade the public liberty. We do not find that the Athenians,

* Gotarzes Tac. Ann. l. 12. c. 10.

or

or any other free cities, ever injur'd any man, unleſs through ſuch a jealouſy, or the perjury of witneſſes, by which the beſt tribunals that ever were, or can be eſtabliſh'd in the world, may be miſled; and no injuſtice could be apprehended from any, if they did not fall into ſuch fears.

But tho' multitudes may have fears as well as tyrants, the cauſes and effects of them are very different. A people, in relation to domeſtic affairs, can deſire nothing but liberty, and neither hate or fear any but ſuch as do, or would, as they ſuſpect, deprive them of that happineſs: their endeavours to ſecure that ſeldom hurt any except ſuch as invade their rights; and if they err, the miſtake is for the moſt part diſcovered before it produce any miſchief; and the greateſt that ever came that way, was the death of one or a few men. Their hatred and deſire of revenge can go no farther than the ſenſe of the injury received or feared, and is extinguiſhed by the death or baniſhment of the perſons; as may be gathered from the examples of the Tarquins, Decemviri, Caſſius, Melius, and Manlius Capitolinus. He therefore that would know whether the hatred and fear of a tyrant, or of a people, produces the greater miſchiefs, need only to conſider, whether it be better that the tyrant deſtroy the people, or that the people deſtroy the tyrant: or at the worſt, whether one that is ſuſpected of affecting the tyranny ſhould periſh, or a whole people, amongſt whom very many are certainly innocent: and experience ſhows that ſuch are always firſt ſought out to be deſtroy'd for being ſo: popular furies or fears, how irregular or unjuſt ſoever they may be, can extend no farther; general calamities can only be brought upon a people by thoſe who are enemies to the whole body, which can never be the multitude, for they

are that body. In all other reſpects, the fears that render a tyrant cruel, render a people gentle and cautious; for every ſingle man knowing himſelf to be of little power, not only fears to do injuſtice becauſe it may be revenged upon his perſon, by him, or his friends, kindred and relations that ſuffers it; but becauſe it tends to the overthrow of the government, which comprehends all public and private concernments, and which every man knows cannot ſubſiſt unleſs it be ſo eaſy and gentle, as to be pleaſing to thoſe who are the beſt, and have the greateſt power: and as the public conſiderations divert them from doing thoſe injuries that may bring immediate prejudice to the public, ſo there are ſtrict laws to reſtrain all ſuch as would do private injuries. If neither the people nor the magiſtrates of Venice, Switzerland, and Holland, commit ſuch extravagances as are uſual in other places, it does not perhaps proceed from the temper of thoſe nations different from others, but from a knowledge, that whoſoever offers an injury to a private perſon, or attempts a public miſchief, is expoſed to the impartial and inexorable power of the law; whereas the chief work of an abſolute monarch is to place himſelf above the law, and thereby rendering himſelf the author of all the evils that the people ſuffer, 'tis abſurd to expect that he ſhould remove them.

SECT. XXX.

A monarchy cannot be well regulated, unleſs the powers of the monarch are limited by law.

OUR author's next ſtep is not only to reject popular governments, but all ſuch monarchies as are not abſolute: "for if the king," ſays he, "admits the people to be his companions, he leaves to

" to be a king." This is the language of French lackeys, valet de chambre's, taylors and others like them in wiſdom, learning and policy, who when they fly to England for fear of a well-deſerved gally, gibbet, or wheel, are ready to ſay, "Il faut que le " roy ſoit abſolu, autrement il n'eſt point roy." And finding no better men to agree with Filmer in this ſublime philoſophy, I may be pardoned if I do not follow them, till I am convinced in theſe enſuing points.

1. It ſeems abſurd to ſpeak of kings admitting the nobility or people to part of the government: for tho' there may be, and are nations without kings, yet no man can conceive a king without a people. Theſe muſt neceſſarily have all the power originally in themſelves; and tho' kings may and often have a power of granting honours, immunities, and privileges to private men or corporations, he does it only out of the public ſtock, which he is entruſted to diſtribute; but can give nothing to the people, who give to him all that he can rightly have.

2. 'Tis ſtrange that he who frequently cites Ariſtotle and Plato, ſhould unluckily acknowledge ſuch only to be kings as they call tyrants, and deny the name of king to thoſe, who in their opinion are the only kings.

3. I cannot underſtand why the Scripture ſhould call thoſe kings whoſe powers were limited, if they only are kings who are abſolute; or why Moſes * did appoint that the power of kings in Iſrael ſhould be limited (if they reſolved to have them) if that limitation deſtroyed the being of a king.

4. And laſtly, how he knows that in the kingdoms which have a ſhew of popularity, the power is wholly in the king.

* Deut. xvii.

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The firſt point was proved when we examined the beginning of monarchies, and found it impoſſible that there could be any thing of juſtice in them, unleſs they were eſtabliſhed by the common conſent of thoſe who were to live under them; or that they could make any ſuch eſtabliſhment, unleſs the right and power were in them.

Secondly, Neither Plato nor Ariſtotle acknowledge either reaſon or juſtice in the power of a monarch, unleſs he has more of the virtues conducing to the good of the civil ſociety than all thoſe who compoſe it; and employ them for the public advantage, and not to his own pleaſure and profit, as being ſet up by thoſe who ſeek their own good, for no other reaſon than that he ſhould procure it. To this end a law is ſet as a rule to him, and the beſt men, that is, ſuch as are moſt like to himſelf, made to be his aſſiſtants, becauſe, ſay they, "* Lex eſt "mens ſine affectu, & quaſi Deus;" whereas the beſt of men have their affections and paſſions, and are ſubject to be miſled by them: which ſhews, that as the monarch is not for himſelf nor by himſelf, he does not give, but receive power, nor admit others to the participation of it, but is by them admitted to what he has. Whereupon they conclude, that to prefer the abſolute power of a man, as in thoſe governments which they call Barbarorum regna, before the regular government of kings juſtly exerciſing a power inſtituted by law, and directed to the public good, is to chooſe rather to be ſubject to the luſt of a beaſt than to be governed by a God. And becauſe ſuch a choice can only be made by a beaſt, I leave our author to find a deſcription of himſelf in their books which he ſo often cites.

* Plat. de leg. Ariſt. polit.

But

But if Ariſtotle deſerve credit, the princes who reign for themſelves and not for the people, preferring their own pleaſure or profit before the public, become tyrants; which in his language is enemies to God and man. On this account Boccalini introduces the princes of Europe raiſing a mutiny againſt him in Parnaſſus, for giving ſuch definitions of tyrants as they ſaid comprehended them all; and forcing the poor philoſopher to declare by a new definition, that * "tyrants were certain men of an-"tient times whoſe race is now extinguiſhed'.' But with all his wit and learning he could not give a reaſon why thoſe who do the ſame thing that rendred the antient tyrants deteſtable, ſhould not be ſo alſo in our days.

In the third place, The ſcriptures declare the neceſſity of ſetting bounds to thoſe who are placed in the higheſt dignities. Moſes ſeems to have had as great abilities as any man that ever lived in the world; but he alone was not able to bear the weight of the government, and therefore God appointed ſeventy choſen men to be his aſſiſtants. This was a perpetual law to Iſrael; and as no king was to have more power than Moſes, or more abilities to perform the duties of his office, none could be exempted from the neceſſity of wanting the like helps. Our author therefore muſt confeſs that they are kings who have them, or that kingly government is contrary to the ſcriptures. When God by Moſes gave liberty to his people to make a king, he did it under theſe conditions "He muſt be one of their "brethren: they muſt chooſe him: he muſt not "multiply gold, ſilver, wives, or horſes: he muſt

* Che i tiranni furono certi huomini del tempo antico de i quali hoggidi ſi e perduta la razza. Boccal. Rag. de Parn.

" not lift up his heart above his brethren *." And Joſephus paraphraſing upon the place, ſays, " He " ſhall do nothing without the advice of the Sanhe- " drin; or if he do, they ſhall oppoſe him †." This agrees with the confeſſion of Zedekiah to the princes (which was the Sanhedrin) " The king can " do nothing without you;‡" and ſeems to have been in purſuance of the law of the kingdom, which was written in a book, and laid up before the Lord; and could not but agree with that of Moſes, unleſs they ſpake by different ſpirits, or that the ſpirit by which they did ſpeak was ſubject to error or change: and the whole ſeries of God's law ſhews, that the pride, magnificence, pomp and glory uſurped by their kings was utterly contrary to the will of God. They did lift up their hearts above their brethren, which was forbidden by the law. All the kings of Iſrael, and moſt of the kings of Judah utterly rejected it, and every one of them did very much depart from the obſervation of it. I will not deny that the people in their inſtitution of a king intended they ſhould do ſo: they had done it themſelves, and would have a king that might uphold them in their diſobedience; they were addicted to the idolatry of their accurſed neighbours, and deſired that government by which it was maintained amongſt them. In doing this they did not reject Samuel; but they rejected God that he ſhould not reign over them. They might perhaps believe that unleſs their king were ſuch as the law did not permit, he would not perform what they intended; or that the name of king did not belong to him, unleſs he had a power that the law denied. But ſince God and his prophets give the name of king to the chief magiſtrate, endowed with a power that was re-

* Deut. xvii. † Joſ. Ant. Jud. ‡ Jer. xxxviii.

ſtrained

ſtrained within very narrow limits, whom they might without offence ſet up, we alſo may ſafely give the ſame to thoſe of the ſame nature, whether it pleaſe Filmer or not.

4. The practice of moſt nations, and (I may truly ſay) of all that deſerve imitation, has been as directly contrary to the abſolute power of one man as their conſtitutions: or if the original of many governments lie hid in the impenetrable darkneſs of antiquity, their progreſs may ſerve to ſhew the intention of the founders. Ariſtotle ſeems to think that the firſt monarchs having been choſen for their virtue, were little reſtrained in the exerciſe of their power; but that they or their children falling into corruption and pride, grew odious; and that nations did on that account either aboliſh their authority, or create ſenates and other magiſtrates, who having part of the power might keep them in order. The Spartan kings were certainly of this nature; and the Perſian, till they conquer'd Babylon. Nay, I may ſafely ſay, that neither the kings which the frantic people ſet up in oppoſition to the law of God, nor thoſe of the bordering nations, whoſe example they choſe to follow, had that abſolute power which our author attributes to all kings as inſeparable from the name. Achiſh the Philiſtine loved and admired David; he looked upon him as an angel of God, and promiſed that he ſhould be the keeper of his head for ever; but when the princes ſuſpected him, and ſaid "he ſhall not go down with us to battle *," he was obliged to diſmiſs him. This was not the language of ſlaves, but of thoſe who had a great part in the government; and the king's ſubmiſſion to their will, ſhows that he was more like to the kings of Sparta, than to an abſolute monarch who does whatever

* 1 Sam. xxix.

pleaſes him. I know not whether the Spartans were deſcended from the Hebrews, as ſome think; but their kings were under a regulation much like that of the 17th of Deut. tho' they had two: their ſenate of twenty-eight, and the Ephori, had a power like to that of the Sanhedrin; and by them kings were condemned to fines, impriſonment, baniſhment, and death, as appears by the examples of Pauſanias, Clonymus, Leonidas, Agis, and others. The Hebrew diſcipline was the ſame; "Reges Da-"vidicæ ſtirpis," ſays Maimonides, "judicabant & "judicabantur.*" They gave teſtimony in judgment when they were called, and teſtimony was given againſt them: whereas the kings of Iſrael, as the ſame author ſays, were "ſuperbi, corde elati, "& ſpretores legis, nec judicabant, nec judicaban-"tur †;" proud, inſolent, and contemners of the law, who would neither judge, nor ſubmit to judgment as the law commanded. The fruits they gathered were ſuitable to the ſeed they had ſown: their crimes were not left unpuniſh'd: they who deſpiſed the law were deſtroyed without law; and when no ordinary courſe could be taken againſt them for their exceſſes, they were overthrown by force, and the crown within the ſpace of few years tranſported into nine ſeveral families, with the utter extirpation of thoſe that had poſſeſs'd it. On the other hand, there never was any ſedition againſt the Spartan kings; and after the moderate diſcipline according to which they liv'd, was eſtabliſhed, none of them died by the hands of their ſubjects, except only two, who were put to death in a way of juſtice: the kingdom continued in the ſame races, till Cleomenes was defeated by Antigonus, and the government overthrown by the inſolence of the Mace-

* More Nevochim. † Ibid.

donians.

donians. This gave occaſion to thoſe beſtial tyrants Nabis and Machanidas to ſet up ſuch a government as our author recommends to the world, which immediately brought deſtruction upon themſelves, and the whole city. The Germans who pretended to be deſcended from the Spartans, had the like government. Their princes according to their merit had the credit of perſuading, not the power of commanding * ; and the queſtion was not what part of the government their kings would allow to the nobility and people, but what they would give to their kings; and 'tis not much material to our preſent diſpute, whether they learnt this from ſome obſcure knowledge of the law which God gave to his people, or whether led by the light of reaſon, which is alſo from God, they diſcovered what was altogether conformable to that law. Whoever underſtands the affairs of Germany, knows that the preſent emperors, notwithſtanding their haughty title, have a power limited as in the days of Tacitus. If they are good and wiſe, they may perſuade; but they can command no farther than the law allows. They do not admit the princes, noblemen, and cities to the power which they all exerciſe in their general diets, and each of them within their own precincts; but they exerciſe that which has been by public conſent beſtowed upon them. All the kingdoms peopled from the north obſerved the ſame rules. In all of them the powers were divided between the kings, the nobility, clergy, and commons; and by the decrees of councils, diets, parliaments, cortez, and aſſemblies of eſtates, authority and liberty were ſo balanced, that ſuch princes as aſſumed to themſelves more than the law did permit, were ſeverely puniſhed; and thoſe

* Tacit. de morib. Germ.

who did by force or fraud invade thrones, were by force thrown down from them.

This was equally beneficial to kings and people. The powers, as Theopompus king of Sparta ſaid, were moſt ſafe when they were leaſt envied and hated. Lewis the eleventh of France was one of the firſt that broke this golden chain; and by more ſubtle arts than had been formerly known, ſubverted the laws, by which the fury of thoſe kings had been reſtrained, and taught others to do the like; tho' all of them have not ſo well ſaved themſelves from puniſhment. James the third of Scotland was one of his moſt apt ſcholars; and * Buchanan in his life ſays, That "he was precipitated into all manner of infamy by men of the moſt abject condition; that the corruption of thoſe times, and the ill example of neighbouring princes, were conſiderable motives to pervert him: for Edward the fourth of England, Charles of Burgundy, Lewis the eleventh of France, and John the ſecond of Portugal, had already laid the foundations of tyranny in thoſe countries; and Richard the third was then moſt cruelly exerciſing the ſame in the kingdom of England."

This could not have been, if all the power had always been in kings, and neither the people nor the nobility had ever had any: for no man can be ſaid to gain that which he and his predeceſſors always poſſeſſed, or to take from others that which they never had; nor to ſet up any ſort of government, if it had been always the ſame. But the

* Ab hominibus infimæ ſortis in omnia ſimul vitia eſt præceps datus: tempora etiam corrupta & vicinorum regum exempla non parum ad eum evertendum juverunt: nam & Edvardus in Anglia, Carolus in Burgundia, Ludovicus undecimus in Gallia, Joannes ſecundus in Luſitania, tyrannidis fundamenta jecerunt: Richardus tertius in Anglia eam immaniſſime exercuit. Hiſt. Scot. l. 12.

fore-

foreſaid Lewis the eleventh did aſſume to himſelf a power above that of his predeceſſors; and Philip de Commines ſhews the ways by which he acquired it, with the miſerable effects of his acquiſition both to himſelf and to his people: modern authors obſerve that the change was made by him, and for that reaſon is ſaid by Mezeray, and others, "to have "brought thoſe kings out of * guardianſhip:" they were not therefore ſo till he did emancipate them. Nevertheleſs this emancipation had no reſemblance to the unlimited power of which our author dreams. The general aſſemblies of eſtates were often held long after his death, and continued in the exerciſe of the ſovereign power of the nation. Davila †, ſpeaking of the general aſſembly held at Orleans in the time of Francis the ſecond, aſſerts the whole power of the nation to have been in them. Monſieur de Thou ‡ ſays the ſame thing, and adds, that the king dying ſuddenly, the aſſembly continued, even at the deſire of the council, in the exerciſe of that power, till they had ſettled the regency, and other affairs of the higheſt importance, according to their own judgment. Hottoman ‖ a lawyer of that time and nation, famous for his learning, judgment and integrity, having diligently examined the antient laws and hiſtories of that kingdom, diſtinctly proves that the French nation never had any kings but of their own chooſing; that their kings had no power except what was conferr'd upon them; and that they had been removed, when they exceſſively abuſed, or rendred themſelves unworthy of that truſt. This is ſufficiently clear by the fore-cited examples of Pharamond's grandchildren, and the degenerated races of Meroveus and Pepin; of which

* Davoir mis les roys hors de page. † Hiſt. delle guerre civ.
‡ Thuan. hiſt. l. 1. ‖ Hottom. Franco-Gallia.

many were depoſed, ſome of the neareſt in blood excluded; and when their vices ſeemed to be incorrigible, they were wholly rejected. All this was done by virtue of that rule which they call the Salique law: and tho' ſome of our princes pretending to the inheritance of that crown by marrying the heirs general, denied that there was any ſuch thing, no man can ſay that for the ſpace of above twelve hundred years, females, or their deſcendents, who are by that law excluded, have ever been thought to have any right to the crown: and no law, unleſs it be explicitly given by God, can be of greater authority than one which has been in force for ſo many ages. What the beginning of it was is not known: but Charles the ſixth receding from this law, and thinking to diſpoſe of the ſucceſſion otherwiſe than was ordained by it, was eſteemed mad, and all his acts reſcinded. And tho' the reputation, ſtrength and valour of the Engliſh, commanded by Henry the fifth, one of the braveſt princes that have ever been in the world, was terrible to the French nation; yet they oppoſed him to the utmoſt of their power, rather than ſuffer that law to be broken. And tho' our ſucceſs under his conduct was great and admirable; yet ſoon after his death, with the expence of much blood and treaſure, we loſt all that we had on that ſide, and ſuffer'd the penalty of having unadviſedly entred into that quarrel. By virtue of the ſame law, the agreement made by king John when he was priſoner at London, by which he had alienated part of that dominion, as well as that of Francis the firſt, concluded when he was under the ſame circumſtances at Madrid, were reputed null; and upon all occaſions that nation has given ſufficient teſtimony, that the laws by which they live are their own, made by themſelves, and not impoſed upon

upon them. And 'tis as impoſſible for them who made and depoſed kings, exalted or depreſſed reigning families, and preſcribed rules to the ſucceſſion, to have received from their own creatures the power, or part of the government they had, as for a man to be begotten by his own ſon. Nay, tho' their conſtitutions were much changed by Lewis the eleventh, yet they retained ſo much of their antient liberty, that in the laſt age, when the houſe of Valois was as much depraved as thoſe of Meroveus and Pepin had been, and Henry the third by his own lewdneſs, hypocriſy, cruelty and impurity, together with the baſeneſs of his minions and favourites, had rendred himſelf odious and contemptible to the nobility and people; the great cities, parliaments, the greater and (in political matters) the ſounder part of the nation declared him to be fallen from the crown, and purſued him to the death, tho' the blow was given by the hand of a baſe and half-diſtracted monk.

Henry of Bourbon was without controverſy the next heir; but neither the nobility nor the people, who thought themſelves in the government, would admit him to the crown, till he had given them ſatisfaction that he would govern according to their laws, by abjuring his religion which they judged inconſiſtent with them.

The later commotions in Paris, Bourdeaux, and other places, together with the wars for religion, ſhew, that tho' the French do not complain of every grievance, and cannot always agree in the defence and vindication of their violated liberties, yet they very well underſtand their rights; and that, as they do not live by, or for the king, but he reigns by, and for them; ſo their privileges are not from him, but that his crown is from them; and that, according

according to the true rule of their government, he can do nothing againſt their laws, or if he do, they may oppoſe him.

The inſtitution of a kingdom is the act of a free nation; and whoever denies them to be free, denies that there can be any thing of right in what they ſet up. That which was true in the beginning, is ſo, and muſt be ſo for ever. This is ſo far acknowledged by the higheſt monarchs, that in a treatiſe publiſhed in the year 1667, by authority of the preſent king of France, to juſtify his pretenſions to ſome part of the Low-countries, notwithſtanding all the acts of himſelf and the king of Spain to extinguiſh them, it is ſaid, "* That kings are under the happy inability to do any thing againſt the laws of their country." And tho' perhaps he may do things contrary to law, yet he grounds his power upon the law; and the moſt able and moſt truſted of his miniſters declare the ſame. About the year 1660, the count d'Aubijoux, a man of eminent quality in Languedoc, but averſe to the court, and hated by cardinal Mazarin, had been tried by the parliament of Tholouſe for a duel, in which a gentleman was kill'd; and it appearing to the court (then in that city) that he had been acquited upon forged letters of grace, falſe witneſſes, powerful friends, and other undue means, Mazarin deſired to bring him to a new trial: but the chancellor Seguier told the queen-mother it could not be; for the law did not permit a man once acquited to be again queſtioned for the ſame fact; and that if the courſe of the law were interrupted, neither the Salique law, nor the ſucceſſion of her children, or any thing elſe could be ſecure in France.

* Que les roys ont cette bienheureuſe impuiſſance de ne pouvoir rien faire contre les loix de leur pays. *Traité des droits de la reyne.*

This

This is farther proved by the hiſtories of that nation. The kings of Meroveus and Pepin's races, were ſuffer'd to divide the kingdom amongſt their ſons; or, as Hottoman ſays †, the eſtates made the diviſion, and allotted to each ſuch a part as they thought fit. But when this way was found to be prejudicial to the public, an act of ſtate was made in the time of Hugh Capet, by which it was ordain'd, that for the future the kingdom ſhould not be diſmembred; which conſtitution continuing in force to this day, the ſons or brothers of their kings receive ſuch an Apannage (they call it) as is beſtow'd on them, remaining ſubject to the crown as well as other men. And there has been no king of France ſince that time (except only Charles the ſixth) who has not acknowledged that he cannot alienate any part of their dominion.

Whoever imputes the acknowledgement of this to kingcraft, and ſays, that they who avow this, when 'tis for their advantage, will deny it on a different occaſion, is of all men their moſt dangerous enemy. In laying ſuch fraud to their charge, he deſtroys the veneration by which they ſubſiſt, and teaches ſubjects not to keep faith with thoſe, who by the moſt malicious deceits ſhow, that they are tied by none. Human ſocieties are maintained by mutual contracts, which are of no value if they are not obſerv'd. Laws are made, and magiſtrates created to cauſe them to be performed in public and private matters, and to puniſh thoſe who violate them. But none will ever be obſerved, if he who receives the greateſt benefit by them, and is ſet up to overſee others, give the example to thoſe who of themſelves are too much inclin'd to break them. The firſt ſtep that Pompey made to his own ruin was, by violating the * laws he

† Hotom. Fran. Gall. * Suarum legum lator & everſor. *Tacit.*

himſelf

himſelf had propoſed. But it would be much worſe for kings to break thoſe that are eſtabliſhed by the authority of a whole people, and confirmed by the ſucceſſion of many ages.

I am far from laying any ſuch blemiſhes on them, or thinking that they deſerve them. I muſt believe the French king ſpeaks ſincerely, when he ſays he can do nothing againſt the laws of his country: and that our king James did the like, when he acknowledged himſelf to be the ſervant of the commonwealth; and the rather, becauſe 'tis true, and that he is placed in the throne to that end. Nothing is more eſſential and fundamental in the conſtitutions of kingdoms, than that diets, parliaments, and aſſemblies of eſtates ſhould ſee this perform'd. 'Tis not the king that gives them a right to judge of matters of war or peace, to grant ſupplies of men and money, or to deny them; and to make or abrogate laws at their pleaſure: all the powers rightly belonging to kings, or to them, proceed from the ſame root. The northern nations ſeeing what miſchiefs were generally brought upon the eaſtern, by referring too much to the irregular will of a man; and what thoſe who were more generous had ſuffer'd, when one man by the force of a corrupt mercenary ſoldiery had overthrown the laws by which they lived, feared they might fall into the ſame miſery; and therefore retained the greater part of the power to be exerciſed by their general aſſemblies, or by delegates, when they grew ſo numerous that they could not meet. Theſe are the kingdoms of which Grotius ſpeaks, "† where the king has his part, and the ſenate or "people their part of the ſupreme authority;" and where the law preſcribes ſuch limits, "‡ that if the "king attempt to ſeize that part which is not his,

† De jur. Bel. & Pac. l 2. ‡ Ibid.

"he

" he may juſtly be oppoſed:" which is as much as to ſay, that the law upholds the power it gives, and turns againſt thoſe who abuſe it.

This doctrine may be diſpleaſing to court-paraſites; but no leſs profitable to ſuch kings as follow better counſels, than to the nations that live under them: the wiſdom and virtue of the beſt is always fortified by the concurrence of thoſe who are placed in part of the power; they always do what they will, when they will nothing but that which is good; and 'tis a happy impotence in thoſe, who through ignorance or malice deſire to do evil, not to be able to effect it. The weakneſs of ſuch as by defects of nature, ſex, age or education, are not able of themſelves to bear the weight of a kingdom, is thereby ſupported, and they together with the people under them preſerved from ruin; the furious raſhneſs of the inſolent is reſtrained; the extravagance of thoſe who are naturally lewd, is aw'd; and the beſtial madneſs of the moſt violently wicked and outragious, ſuppreſs'd. When the law provides for theſe matters, and preſcribes ways by which they may be accompliſhed, every man who receives or fears an injury, ſeeks a remedy in a legal way, and vents his paſſions in ſuch a manner as brings no prejudice to the commonwealth: if his complaints againſt a king may be heard, and redreſſed by courts of juſtice, parliaments, and diets, as well as againſt private men, he is ſatisfied, and looks no farther for a remedy. But if kings, like thoſe of Iſrael, will neither judge nor be judged, and there be no power orderly to redreſs private or public injuries, every man has recourſe to force, as if he liv'd in a wood where there is no law; and that force is always mortal to thoſe who provoke it: no guards can preſerve a hated prince from the vengeance of one reſolute hand; and they as often fall by the ſwords of their

their own guards as of others: wrongs will be done, and when they that do them cannot or will not be judged publickly, the injur'd perſons become judges in their own caſe, and executioners of their own ſentence. If this be dangerous in matters of private concernment, 'tis much more ſo in thoſe relating to the public. The lewd extravagancies of Edward and Richard the ſeconds, whilſt they acknowledged the power of the law, were gently reproved and reſtrained with the removal of ſome profligate favourites; but when they would admit of no other law than their own will, no relief could be had but by their depoſition. The lawful Spartan kings, who were obedient to the laws of their country, liv'd in ſafety and died with glory; whereas 'twas a ſtrange thing to ſee a lawleſs tyrant die without ſuch infamy and miſery, as held a juſt proportion with the wickedneſs of his life: they did, as Plutarch ſays of Dionyſius *, many miſchiefs, and ſuffer'd more. This is confirmed by the examples of the kingdom of Iſrael, and of the empires of Rome and Greece; they who would ſubmit to no law, were deſtroy'd without any. I know not whether they thought themſelves to be Gods, as our author ſays they were: but I am ſure the moſt part of them died like dogs, and had the burial of aſſes rather than of men.

This is the happineſs to which our author would promote them all, "If a king admit a people to be "his companions, he ceaſeth to be a king, and the "ſtate becomes a democracy." And a little farther, "If in ſuch aſſemblies, the king, nobility, and "people, have equal ſhares in the ſovereignty, then "the king hath but one voice, the nobility likewiſe "one, and the people one; and then any two of "theſe voices ſhould have power to over-rule the

* Vit. Timoleon.

"third:

" third: thus the nobility and commons ſhould " have a power to make a law to bridle the king, " which was never ſeen in any kingdom." We have heard of nations that admitted a man to reign over them (that is, made him king) but of no man that made a people. The Hebrews made Saul, David, Jeroboam, and other kings: when they returned from captivity, they conferred the ſame title upon the Aſmonean race, as a reward of their valour and virtue: the Romans choſe Romulus, Numa, Hoſtilius, and others to be their kings; the Spartans inſtituted two, one of the Heraclidæ, the other of the Æacidæ. Other nations ſet up one, a few, or more magiſtrates to govern them: and all the world agrees, that Qui dat eſſe, dat modum eſſe; he that makes him to be, makes him to be what he is: and nothing can be more abſurd that to ſay, that he who has nothing but what is given, can have more than is given to him. If Saul and Romulus had no other title to be kings, than what the people conferred upon them, they could be no otherwiſe kings than as pleaſed the people: they therefore did not admit the people to be partakers of the government; but the people who had all in themſelves, and could not have made a king if they had not had it, beſtow'd upon him what they thought fit, and retained the reſt in themſelves. If this were not ſo, then inſtead of ſaying to the multitude, " Will ye " have this man to reign?" they ought to ſay to the man, " Wilt thou have this multitude to be a people?" And whereas the nobles of Arragon uſed to ſay to their new-made king, " We who are as good as " you, make you our king, on condition you keep " and maintain our rights and liberties, and if not, " not;" he ſhould have ſaid to them, " I who am " better than you, make you to be a people, and

" will

" will govern you as I pleaſe." But I doubt whether he would have ſucceeded, till that kingdom was joined to others of far greater ſtrength, from whence a power might be drawn to force them out of their uſual method.

That which has been ſaid of the governments of England, France and other countries, ſhows them to be of the ſame nature; and if they do not deſerve the name of kingdoms, and that their princes will by our author's arguments be perſuaded to leave them, thoſe nations perhaps will be ſo humble to content themſelves without that magnificent title, rather than reſign their own liberties to purchaſe it: and if this will not pleaſe him, he may ſeek his glorious ſovereign monarchy among the wild Arabs, or in the iſland of Ceylon; for it will not be found among civiliz'd nations.

However more ignorance cannot be expreſs'd, than by giving the name of democracy to thoſe governments that are compoſed of the three ſimple ſpecies, as we have proved that all the good ones have ever been: for in a ſtrict ſenſe it can only ſuit with thoſe, where the people retain to themſelves the adminiſtration of the ſupreme power; and more largely, when the popular part, as in Athens, greatly overbalances the other two, and that the denomination is taken from the prevailing part. But our author, if I miſtake not, is the firſt that ever took the antient governments of Iſrael, Sparta and Rome, or thoſe of England, France, Germany and Spain, to be democracies, only becauſe every one of them had ſenates and aſſemblies of the people, who in their perſons, or by their deputies, did join with their chief magiſtrates in the exerciſe of the ſupreme power. That of Iſrael, to the time of Saul, is called by Joſephus an ariſtocracy. The ſame name is

given to that of Sparta by all the Greek authors; and the great conteſt in the Peloponneſian war was between the two kinds of government; the cities that were governed ariſtocratically, or deſired to be ſo, following the Lacedemonians; and ſuch as delighted in democracy taking part with the Athenians. In like manner Rome, England, and France, were ſaid to be under monarchies; not that their kings might do what they pleaſed, but becauſe one man had a preheminence above any other. Yet if the Romans could take Romulus, the ſon of a man that was never known, Numa a Sabine, Hoſtilius and Ancus Martius private men, and Tarquinius Priſcus the ſon of a baniſhed Corinthian, who had no title to a preference before others till it was beſtowed upon them; 'tis ridiculous to think, that they who gave them what they had, could not ſet what limits they pleaſed to their own gift.

But, ſays our author, "The nobility will then "have one voice, and the people another, and they "joining may over-rule the third, which was never "ſeen in any kingdom." This may perhaps be a way of regulating the monarchical power, but it is not neceſſary, nor the only one: there may be a ſenate, tho' the people be excluded; that ſenate may be compoſed of men choſen for their virtue, as well as for the nobility of their birth: the government may conſiſt of king and people without a ſenate; or the ſenate may be compoſed only of the peoples delegates. But if I ſhould grant his aſſertion to be true, the reaſonableneſs of ſuch a conſtitution cannot be deſtroyed by the conſequences he endeavours to draw from it; for he who would inſtruct the world in matters of ſtate, muſt ſhow what is, or ought to be, not what he fancies may thereupon enſue. Beſides, it does not follow, that where there

are three equal votes, laws ſhould be always made by the plurality; for the conſent of all the three is in many places required: and 'tis certain that in England, and other parts, the king and one of the eſtates cannot make a law without the concurrence of the other. But to pleaſe Filmer, I will avow, that where the nobles and commons have an equal vote, they may join and over-rule or limit the power of the king: and I leave any reaſonable man to judge, whether it be more ſafe and fit, that thoſe two eſtates comprehending the whole body of the nation in their perſons, or by repreſentation, ſhould have a right to over-rule or limit the power of that man, woman, or child, who ſits in the throne; or that he or ſhe, young or old, wiſe or fooliſh, good or bad, ſhould over-rule them, and by their vices, weakneſs, folly, impertinence, incapacity, or malice, put a ſtop to their proceedings; and whether the chief concernments of a nation may more ſafely and prudently be made to depend upon the votes of ſo many eminent perſons, amongſt whom many wiſe and good men will always be found if there be any in the nation, and who in all reſpects have the ſame intereſt with them, or upon the will of one, who may be, and often is as vile, ignorant, and wretched as the meaneſt ſlave; and either has, or is for the moſt part made to believe he has an intereſt ſo contrary to them, that their ſuppreſſion is his advancement. Common ſenſe ſo naturally leads us to the deciſion of this queſtion, that I ſhould not think it poſſible for mankind to have miſtaken, tho' we had no examples of it in hiſtory: and 'tis in vain to ſay, that all princes are not ſuch as I repreſent: for if a right were annexed to the being of a prince, and that his ſingle judgment ſhould over-balance that of a whole nation, it muſt belong to him as a prince, and be en-

enjoyed by the worſt and baſeſt, as well as by the wiſeſt and beſt, which would inevitably draw on the abſurdities above-mentioned: but that many are, and have been ſuch, no man can deny, or reaſonably hope that they will not often prove to be ſuch, as long as any preference is granted to thoſe who have nothing to recommend them, but the families from whence they derive; a continual ſucceſſion of thoſe who excel in virtue, wiſdom, and experience, being promiſed to none, nor reaſonably to be expected from any. Such a right therefore cannot be claimed by all; and if not by all, then not by any, unleſs it proceed from a particular grant in conſideration of perſonal virtue, ability, and integrity, which muſt be proved: and when any one goes about to do it, I will either acknowledge him to be in the right, or give the reaſons of my denial.

However this is nothing to the general propoſition: nay, if a man were to be found, who had more of the qualities required for making a right judgment in matters of the greateſt importance, than a whole nation, or an aſſembly of the beſt men choſen out of it (which I have never heard to have been, unleſs in the perſons of Moſes, Joſhua, or Samuel, who had the ſpirit of God for their guide) it would be nothing to our purpoſe; for even he might be biaſſed by his perſonal intereſts, which governments are not eſtabliſhed principally to promote.

I may go a ſtep farther, and truly ſay, that as ſuch vaſt powers cannot be generally granted to all who happen to ſucceed in any families, without evident danger of utter deſtruction, when they come to be executed by children, women, fools, vicious, incapable or wicked perſons, they can be reaſonably granted to none, becauſe no man knows what any

one will prove till he be tried; and the importance of the affair requires ſuch a trial as can be made of no man till he be dead. He that reſiſts one temptation may fall under the power of another; and nothing is more common in the world, than to ſee thoſe men fail groſly in the laſt actions of their lives, who had paſſed their former days without reproach: wiſe and good men will with Moſes ſay of themſelves, "I cannot bear the burden:" and every man who is concerned for the public good, ought to let fools know they are not fit to undergo it, and by law to reſtrain the fury of ſuch as will not be guided by reaſon. This could not be denied, tho' governments were conſtituted for the good of the governor. 'Tis good for him that the law appoints helps for his infirmities, and reſtrains his vices: but all nations ought to do it tho' it were not ſo, in as much as kingdoms are not eſtabliſhed for the good of one man, but of the people; and that king who ſeeks his own good before that of the people, departs from the end of his inſtitution.

This is ſo plain, that all nations who have acted freely, have ſome way or other endeavoured to ſupply the defects, or reſtrain the vices of their ſupreme magiſtrates; and thoſe among them deſerve moſt praiſe, who by appointing means adequate to ſo great a work, have taken care that it might be eaſily and ſafely accompliſhed: ſuch nations have always flouriſhed in virtue, power, glory, and happineſs, whilſt thoſe who wanted their wiſdom, have ſuffer'd all manner of calamities by the weakneſs and injuſtice of their princes, or have had their hands perpetually in blood to preſerve themſelves from their fury. We need no better example of the firſt, than that of the Spartans, who by appointing ſuch limits to the power of their kings as could hardly be

be tranſgreſs'd, continued many ages in great union with them, and were never troubled with civil tumults. The like may be ſaid of the Romans from the expulſion of the Tarquins, till they overthrew their own orders, by continuing Marius for five years in the conſulate, whereas the laws did not permit a man to hold the ſame office two years together; and when that rule was broken, their own magiſtrates grew too ſtrong for them, and ſubverted the commonwealth. When this was done, and the power came to be in the hands of one man, all manner of evils and calamities broke in like a flood: 'Tis hard to judge whether the miſchiefs he did, or thoſe he ſuffered were the greater: he who ſet up himſelf to be lord of the world, was like to a beaſt crowned for the ſlaughter, and his greatneſs was the forerunner of his ruin. By this means ſome of thoſe who ſeem not to have been naturally prone to evil, were by their fears put upon ſuch courſes to preſerve themſelves, as being rightly eſtimated, were worſe than the death they apprehended: and the ſo much celebrated Conſtantine the great died no leſs polluted with the blood of his neareſt relations and friends, than Nero himſelf. But no place can ſhow a more lively picture of this, than the kingdoms of Granada, and others poſſeſſed by the Moors in Spain *; where there being neither ſenate nor aſſemblies of the nobility and people, to reſtrain the violence and fury of their kings, they had no other way than to kill them when their vices became inſupportable; which happening for the moſt part, they were almoſt all murder'd; and things were brought to ſuch extremity, that no man would accept a crown, except he who had neither birth nor virtue to deſerve it.

* Hiſt. de Eſpan. de Mariana.

If it be ſaid that kings have now found out more eaſy ways of doing what they pleaſe, and ſecuring themſelves; I anſwer, that they have not proved ſo to them all, and it is not yet time for ſuch as tread in the ſame ſteps to boaſt of their ſucceſs: many have fallen when they thought their deſigns accompliſhed; and no man, as long as he lives, can reaſonably aſſure himſelf the like ſhall not befal him. But if in this corrupted age, the treachery and perjury of princes be more common than formerly; and the number of thoſe who are brought to delight in the rewards of injuſtice, be ſo increaſed, that their parties are ſtronger than formerly: this rather ſhows that the balance of power is broken, or hard to be kept up, than that there ought to be none; and 'tis difficult for any man, without the ſpirit of propheſy, to tell what this will produce. Whilſt the antient conſtitutions of our northern kingdoms remain'd intire, ſuch as conteſted with their princes ſought only to reform the governments, and by redreſſing what was amiſs, to reduce them to their firſt principles; but they may not perhaps be ſo modeſt, when they ſee the very nature of their government chang'd, and the foundations overthrown. I am not ſure that they who were well pleaſed with a moderate monarchy, will ſubmit to one that is abſolute; and 'tis not improbable, that when men ſee there is no medium between tyranny and popularity, they who would have been contented with the reformation of their government, may proceed farther, and have recourſe to force, when there is no help in the law. This will be a hard work in thoſe places where virtue is wholly aboliſhed; but the difficulty will lie on the other ſide, if any ſparks of that remain: if vice and corruption prevail, liberty cannot ſubſiſt; but if virtue have the advantage, arbitrary power cannot be eſtabliſhed.

eſtabliſhed. Thoſe who boaſt of their loyalty, and think they give teſtimonies of it, when they addict themſelves to the will of one man, tho' contrary to the law from whence that quality is derived, may conſider, that by putting their maſters upon illegal courſes they certainly make them the worſt of men, and bring them into danger of being alſo the moſt miſerable. Few or no good princes have fallen into diſaſters, unleſs through an extremity of corruption introduced by the moſt wicked, and cannot properly be called unhappy, if they periſhed in their innocence; ſince the bitterneſs of death is aſſwaged by the tears of a loving people, the aſſurance of a glorious memory, and the quiet of a well ſatisfied mind. But of thoſe who have abandoned themſelves to all manner of vice, followed the impulſe of their own fury, and ſet themſelves to deſtroy the beſt men for oppoſing their pernicious deſigns, very few have died in peace. Their lives have been miſerable, death infamous, and memory deteſtable.

They therefore who place kings within the power of the law, and the law to be a guide to kings, equally provide for the good of king and people. Whereas they who admit of no participants in power, and acknowledge no rule but their own will, ſet up an intereſt in themſelves againſt that of their people, loſe their affections, which is their moſt important treaſure, and incur their hatred, from whence reſults their greateſt danger.

SECT. XXXI.

The liberties of nations are from God and nature, not from kings.

WHatſoever is uſually ſaid in oppoſition to this, ſeems to proceed from a groundleſs conceit, that the liberties enjoy'd by nations ariſe from the conceſſions of princes. This point has been already treated: but being the foundation of the doctrine I oppoſe, it may not be amiſs farther to examine how it can be poſſible for one man born under the ſame condition with the reſt of mankind to have a right in himſelf that is not common to all others, till it be by them or a certain number of them conferred upon him; or how he can without the utmoſt abſurdity be ſaid to grant liberties and privileges to them who made him to be what he is.

If I had to do with a man that ſought after truth, I ſhould think he had been led into this extravagant opinion by the terms ordinarily uſed in patents and charters granted to particular men; and not diſtinguiſhing between the proprietor and the diſpenſer, might think kings had given, as their own, that which they only diſtribute out of the public treaſury, and could have had nothing to diſtribute by parcels, if it had not been given to them in groſs by the public. But I need not uſe our author ſo gently. The perverſity of his judgment, and obſtinate hatred to truth is ſufficient to draw him into the moſt abſurd errors without any other inducement; and it were not charity, but folly to think he could have attributed in general to all princes, without any regard to the ways by which they attain to their power, ſuch an authority as never juſtly belonged to any.

This

This will be evident to all thoſe who conſider, that no man can confer upon others that which he has not in himſelf: if he be originally no more than they, he cannot grant to them or any of them more than they to him. In the ſeventh, eighth, ninth and ſubſequent ſections of the firſt chapter, it has been proved that there is no reſemblance between the paternal right, and the abſolute power which he aſſerts in kings: that the right of a father, whatever it be, is only over his children; that this right is equally inherited by them all when he dies: that every one cannot inherit dominion; for the right of one would be inconſiſtent with that of all others: that the right which is common to all is that which we call liberty, or exemption from dominion: that the firſt fathers of mankind after the flood had not the exerciſe of regal power; and whatſoever they had was equally devolved to every one of their ſons, as appears by the examples of Noah, Shem, Abraham, Iſaac, Jacob, and their children: that the erection of Nimrod's kingdom was directly contrary to, and inconſiſtent with the paternal right, if there was any regality in it: that the other kingdoms of that time were of the ſame nature: that Nimrod not exceeding the age of threeſcore years when he built Babel, could not be the father of thoſe that aſſiſted him in that attempt: that if the ſeventy two kings, who, as our author ſays, went from Babylon upon the confuſion of languages, were not the ſons of Nimrod, he could not govern them by the right of a father; if they were, they muſt have been very young, and could not have children of their own to people the kingdoms they ſet up: that whoſe children ſoever they were, who out of a part of mankind did within a hundred and thirty two years after the flood, divide into ſo many kingdoms, they ſhewed that others in

proceſs

proceſs of time might ſubdivide into as many as they pleaſed; and kingdoms multiplying in the ſpace of four thouſand years ſince the ſeventy-two, in the ſame proportion they did in one hundred and thirty two years into ſeventy two, there would now be as many kings in the world as there are men: that is, no man could be ſubject to another: that this equality of right and exemption from the domination of any other is called liberty: that he who enjoys it cannot be deprived of it, unleſs by his own conſent, or by force: that no one man can force a multitude, or if he did, it could confer no right upon him: that a multitude conſenting to be governed by one man, doth confer upon him the power of governing them; the powers therefore that he has, are from them, and they who have all in themſelves can receive nothing from him, who has no more than every one of them, till they do inveſt him with it. This is proved by ſacred and prophane hiſtories. The Hebrews in the creation of judges, kings, or other magiſtrates, had no regard to paternity, or to any who by extraction could in the leaſt pretend to the right of fathers: God did never direct them to do it, nor reprove them for neglecting it: if they would chooſe a king, he commanded them to take one of their brethren, not one who called himſelf their father: when they did reſolve to have one, he commanded them to chooſe him by lot, and cauſed the lot to fall upon a young man of the youngeſt tribe: David and the other kings of Iſrael or Judah had no more to ſay for themſelves in that point than Saul: all the kings of that nation before and after the captivity, ordinarily or extraordinarily ſet up, juſtly or unjuſtly, were raiſed without any regard to any prerogative they could claim or arrogate to themſelves on that account. All that they had therefore was from their elevation,

elevation, and their elevation from thoſe that elevated them: 'twas impoſſible for them to confer any thing upon thoſe from whom they received all they had; or for the people to give power to kings, if they had not had it in themſelves; which power univerſally reſiding in every one, is that which we call liberty. The method of other nations was much like to this. They placed thoſe in the throne who ſeemed beſt to deſerve ſo great an honour, and moſt able to bear ſo great a burden: the kingdoms of the heroes were nothing elſe but the government of thoſe who were moſt beneficent to the nations amongſt whom they lived, and whoſe virtues were thought fit to be raiſed above the ordinary level of the world. Tho' perhaps there was not any one Athenian or Roman equal to Theſeus or Romulus in courage or ſtrength, yet they were not able to ſubdue many: or if any man ſhould be ſo vain to think that each of them did at firſt ſubdue one man, then two, and ſo proceeding by degrees conquered a whole people, he cannot without madneſs aſcribe the ſame to Numa, who being ſent for from a foreign country, was immediately made king of a fierce people, that had already conquer'd many of their neighbours, and was grown too boiſterous even for Romulus himſelf. The like may be ſaid of the firſt Tarquin, and of Servius; they were ſtrangers: and tho' Tullus Hoſtilius and Ancus Martius were Romans, they had as little title to a dominion over their fellow-citizens, or means of attaining to it, as if they had come from the fartheſt parts of the earth. This muſt be in all places, unleſs one man could prove by a perfect and uninterrupted genealogy that he is the eldeſt ſon of the eldeſt line of Noah, and that line to have continued perpetually in the government of the world: for if the power has

been divided, it may be ſubdivided into infinity; if interrupted, the chain is broken, and can never be made whole. But if our author can perform this for the ſervice of any man, I willingly ſurrender my arms, and yield up the cauſe I defend. If he fail, 'tis ridiculous to pretend a right that belongs to no man, or to go about to retrieve a right which for the ſpace of four thouſand years has lain dormant; and much more to create that which never had a ſubſiſtence. This leads us neceſſarily to a concluſion, that all kingdoms are at the firſt erected by the conſent of nations, and given to whom they pleaſe; or elſe all are ſet up by force, or ſome by force and ſome by conſent: if any are ſet up by the conſent of nations, thoſe kings do not confer liberties upon thoſe nations, but receive all from them, and the general propoſition is falſe. If our author therefore, or his followers, would confute me, they muſt prove that all the kingdoms of the world have their beginning from force, and that force doth always create a right; or if they recede from the general propoſition, and attribute a peculiar right to one or more princes, who are ſo abſolute lords of their people, that thoſe under them have neither liberty, privilege, property or any part in the government, but by their conceſſions, they muſt prove that thoſe princes did by force gain the power they have, and that their right is derived from it. This force alſo muſt have been perpetually continued; for if that force be the root of the right that is pretended, another force by the ſame rule may overturn, extinguiſh or transfer it to another hand. If contracts have interven'd, the force ceaſes; and the right that afterwards doth accrue to the perſons, muſt proceed from, and be regulated according to thoſe contracts.

This

This may be ſufficient to my purpoſe: for as it has been already proved, that the kingdoms of Iſrael, Judah, Rome, Sparta, France, Spain, England, and all that we are concerned in, or that deſerve to be examples to us, did ariſe from the conſent of the reſpective nations, and were frequently reduced to their firſt principles, when the princes have endeavour'd to tranſgreſs the laws of their inſtitution; it could be nothing to us, tho' Attila or Tamerlane had by force gained the dominions they poſſeſs'd. But I dare go a ſtep further, and boldly aſſert, that there never was or can be a man in the world that did, or can ſubdue a nation; and that the right of one grounded upon force is a meer whimſey. It was not Agathocles, Dionyſius, Nabis, Marius, Sylla or Cæſar, but the mercenary ſoldiers, and other villains that joined with them, who ſubdued the Syracuſans, Spartans or Romans: and as the work was not performed by thoſe tyrants alone, if a right had been gained by the violence they uſed, it muſt have been common to all thoſe that gained it; and he that commanded them could have had no more than they thought fit to confer upon him. When Miltiades deſired leave to wear an olive garland *, in commemoration of the victory obtained at Marathon, an Athenian did in my opinion rightly ſay, "If you alone did fight againſt "the Perſians, it is juſt that you only ſhould be "crowned; but if others did participate in the vic-"tory, they ought alſo to have a part in the honour." And the principal difference that I have obſerv'd between the moſt regular proceedings of the wiſeſt ſenates or aſſemblies of the people in their perſons or delegates, and the fury of the moſt diſſolute villains, has been, that the firſt ſeeking the public good,

* Plut. in Vit. Cim.

do

do uſually ſet up ſuch a man, and inveſt him with ſuch powers as ſeem moſt conducing to that good: whereas the others following the impulſe of a beſtial rage, and aiming at nothing but the ſatisfaction of their own luſts, always advance one from whom they expect the greateſt advantages to themſelves, and give him ſuch powers as moſt conduce to the accompliſhment of their own ends: but as to the perſon 'tis the ſame thing. Cæſar and Nero did no more make themſelves what they were, than Numa; and could no more confer any right, liberty or privilege upon the army, that gave them all they had, than the moſt regular magiſtrate can upon the ſenate or people that choſe them.

This alſo is common to the worſt as well as the beſt, that they who ſet up either, do, as into a public treaſury, confer upon the perſon they chooſe, a power of diſtributing to particular men, or numbers of men, ſuch honours, privileges and advantages, as they may ſeem, according to the principles of the government, to deſerve. But there is this difference, that the ends of the one being good, and thoſe of the other evil, the firſt do for the moſt part limit the powers, that ſomething may remain to reward ſervices done to the public, in a manner proportion'd to the merit of every one, placing other magiſtrates to ſee it really performed, ſo as they may not, by the weakneſs or vices of the governor, be turned to the public detriment: the others think they never give enough, that the prince having all in his power, may be able to gratify their moſt exorbitant deſires, if by any ways they can get his favour; and his infirmities and vices being moſt beneficial to them, they ſeldom allow to any other magiſtrate a power of oppoſing his will, or ſuffer thoſe who for the public good would aſſume it. The world

world affords many examples of both ſorts, and every one of them have had their progreſs ſuitable to their conſtitution. The regular kingdoms of England, France, Spain, Poland, Bohemia, Denmark, Sweden and others, whether elective or hereditary, have had high ſtewards, conſtables, mayors of the palace, rixhofmeiſters, parliaments, diets, aſſemblies of eſtates, cortez, and the like, by which thoſe have been admitted to ſucceed who ſeemed moſt fit for the public ſervice; the unworthy have been rejected; the infirmities of the weak ſupplied; the malice of the unjuſt reſtrained; and when neceſſity required, the crown tranferred from one line or family to another. But in the furious tyrannies that have been ſet up by the violence of a corrupted ſoldiery, as in the antient Roman empire, the kingdoms of the Moors and Arabians, the tyrannies of Ezzelino of Padoüa, thoſe of the Viſconti and Sforzeſchi of Milan, Caſtruccio Caſtracani of Lucca, Cæſar Borgia, and others, there was nothing of all this. The will of the prince was a law: all power was in him, and he kept it, till another ſtept up and took it from him, by the ſame means that he had gain'd it. This fell out ſo frequently, that tho' all the Roman emperors endeavour'd to make their power hereditary, it hardly continued three generations in one line from Auguſtus to Auguſtulus, unleſs in that of Conſtantine, and that with extreme confuſion and diſorder. They who had madly ſet up a man to be their head, and expoſed ſo much of the world as was under their power, to be deſtroy'd by him, did by the like fury throw him down, and never ceaſed till they had brought the empire to utter ruin.

But if this paternal ſovereignty be a meer fiction that never had any effect; that no nation was ever commanded

commanded by God to make it their rule, nor any reproved for the neglect of it; none ever learnt it from the light of nature, nor were by wiſe men taught to regard it: the firſt fathers claimed no privilege from it when every man's genealogy was known; and if there were ſuch a thing in nature, it could be of no uſe at this day, when the ſeveral races of men are ſo confuſed, that not one in the world can prove his own original; and that the firſt kingdoms, whether well or ill conſtituted, according to the command of God or the inventions of men, were contrary to, and incompatible with it; there can have been no juſtice in any, if ſuch a rule was to have been obſerved; the continuance of an unjuſt uſurpation can never have created a right, but aggravated the injuſtice of overthrowing it: no man could ever by his own ſtrength and courage ſubdue a multitude, nor gain any other right over them if he did, than they might have to tear it from him; whoever denies kingdoms or other magiſtracies to have been ſet up by men, according to their own will, and from an opinion of receiving benefit by them, accuſes all the governments that are, or ever have been in the world, of that outrageous injuſtice in their foundation which can never be repair'd. If there be therefore, or ever was, any juſt government amongſt men, it was conſtituted by them; and whether their proceedings were regular or violent, juſt or unjuſt, the powers annexed to it were their donation: the magiſtracies erected by them, whether in one or more men, temporary or perpetual, elective or hereditary, were their creatures; and receiving all from them, could confer nothing upon them.

SECT.

SECT. XXXII.

The contracts made between magiſtrates, and the nations that created them, were real, ſolemn, and obligatory.

OUR author having with big words and little ſenſe inveigh'd againſt popular and mix'd governments, proceeds as if he had proved that they could not, or ought not to be. "If it be," ſays he, "unnatural for the multitude to chooſe their "governors, or to govern, or to partake in the "government; what can be thought of that dam-"nable concluſion which is made by too many, that "the multitude may correct or depoſe their princes, "if need be? Surely the unnaturalneſs and injuſtice "of this poſition cannot ſufficiently be expreſſed. "For admit that a king make a contract or paction "with his people originally in his anceſtors, or per-"ſonally at his coronation (for both theſe pactions "ſome dream of, but cannot offer any proof of "either) yet by no law of any nation can a con-"tract be thought broken, except firſt a lawful "trial be had by the ordinary judge of the breakers "thereof; or elſe every man may be both party "and judge in his own caſe, which is abſurd once "to be thought; for then it will lie in the hands "of the headleſs multitude, when they pleaſe, "to caſt off the yoke of government that God has "laid upon them, and to judge and puniſh him, "by whom they ſhould be judged and puniſhed "themſelves." To this I anſwer firſt briefly, that if it be natural for the multitude to chooſe their governors, or to govern, or to participate of the government as beſt pleaſes themſelves; or that there never was a government in the world that was

not ſo ſet up by them, in purſuance of the power naturally inherent in themſelves; what can be thought of that damnable concluſion, which has been made by fools or knaves, that the multitude may not, if need be, correct or depoſe their own magiſtrates? Surely the unnaturalneſs and injuſtice of ſuch a poſition cannot be ſufficiently expreſſed. If that were admitted, all the moſt ſolemn pacts and contracts made between nations and their magiſtrates, originally or perſonally, and confirmed by laws and mutual oaths, would be of no value. He that would break the moſt ſacred bonds that can be amongſt men, ſhould by perjury and wickedneſs become judge of his own caſe, and by the worſt of crimes procure impunity for all. It would be in his power, by folly, wickedneſs and madneſs, to deſtroy the multitude which he was created and ſworn to preſerve, tho' wiſe, virtuous and juſt, and headed by the wiſeſt and juſteſt of men; or to lay a yoke upon thoſe who by the laws of God and nature ought to be free: he might in his own caſe judge that body by which he ought to be judged; and who in conſideration of themſelves and their own good, made him to be whatſoever he is more than every one of them: the governments inſtituted for the preſervation of nations, would turn to their deſtruction: It would be impoſſible to check the fury of a corrupt and perfidious magiſtrate: the worſt of men would be raiſed to a height that was never deſerved by the beſt; and the aſſurance of indemnity would, by increaſing their inſolence, turn their other vices into madneſs, as has been too often ſeen in thoſe who have had more power than they deſerved, and were more hardly brought to account for their actions than ought to have been;

been: tho' I never heard of any who had ſo much as our author aſſerts to be in all, nor that any was abſolutely aſſured he ſhould not be queſtion'd for the abuſe of what he had.

Beſides, if every people may govern, or conſtitute and chooſe one or more governors, they may divide the powers between ſeveral men, or ranks of men, allotting to every one ſo much as they pleaſe, or retaining ſo much as they think fit. This has been practiſed in all the governments, which under ſeveral forms have flouriſhed in Paleſtine, Greece, Italy, Germany, France, England, and the reſt of the world. The laws of every place ſhow what the power of the reſpective magiſtrate is, and by declaring how much is allowed to him, declare what is denied; for he has not that which he has not, and is to be accounted a magiſtrate whilſt he exerciſes that which he has.

If any doubts do hereupon ariſe, I hope to remove them, proving in the firſt place, that ſeveral nations have plainly and explicitly made contracts with their magiſtrates.

2. That they are implicit, and to be underſtood, where they are not plainly expreſſed.

3. That they are not dreams, but real things, and perpetually obliging.

4. That judges are in many places appointed to decide the conteſts ariſing from the breach of theſe contracts; and where they are not, or the party offending is of ſuch force or pride that he will not ſubmit, nations have been obliged to take the extremeſt courſes.

To the firſt: I ſuppoſe it will not be denied, that the annual magiſtrates of divers commonwealths are under ſome compact, and that there is a

power of conſtraining them to perform the contents, or to puniſh them for the violation. The modeſt behaviour of the Roman conſuls and dictators (as long as their laws were in force) might not probably proceed from their good nature. Tho' the people had not been, as our author ſays, mad, fooliſh, and always deſirous to chooſe the worſt men for being moſt like to themſelves, but admirably wiſe and virtuous, 'tis not to be imagined that in the ſpace of three or four hundred years they ſhould never have fallen upon one who would have tranſgreſſed, if he could have done it ſafely, tho' they had uſed the utmoſt caution in their choice. But the power of the conſuls being only for a year, that of the dictator for ſix months at moſt, and the commiſſion that he ſhould take care * the commonwealth might ſuffer no damage, ſhow the end and condition upon which they were choſen; and tho' their power is by ſome thought to have been abſolute, yet the conſuls were frequently oppoſed and brought into order by the ſenate, tribunes, or people, and ſometimes the dictator himſelf. Camillus † in his fourth dictatorſhip was threatned by the tribunes with a great fine, and by that means obliged to abdicate his magiſtracy. I have already mention'd Marcus Fabius Maximus, who in the behalf of his ſon Quintus condemned to die by Papirius the dictator, appealed to the ‡ people: and when the conduct of Fabius in the war againſt Hannibal was not approved, Nænius the tribune thought he made a very modeſt propoſition, in that he did not deſire his magiſtracy ſhould be abrogated; but that the

* Ne quid detrimenti reſpubl. accipiat.

† Plut. Vit. Camil.

‡ Qui ſolus plus quam tua dictatura poteſt polletque cui & reges cedere, &c.. *T. Liv.* l. 8.

maſter

maſter of the horſe ſhould be made equal to him in power, which was done accordingly. 'Tis agreed by all, that the conſuls were in the place of kings, and that the power of the dictator was at leaſt equal to what theirs had been. If they therefore were under ſuch a rule, which they could not tranſgreſs, or might be reduced to order if they did, and forced to ſubmit to the people as the kings had done, the kings were alſo made upon the ſame conditions, and equally obliged to perform them.

The ſcripture is more clear in the caſe. The judges are ſaid to have been in power equal to kings; and I may perhaps acknowledge it, with relation to the deuteronomical king, or ſuch as the people might have choſen without offending God. The Gileadites made a covenant with Jephtha, that he ſhould be their head and captain: he would not return to his country till they had done it. This was performed ſolemnly before the Lord in Miſpeth, and all Iſrael followed them. They might therefore make a covenant with their kings, for the difference of names does not increaſe or diminiſh the right. Nay, they were in duty obliged to do it: the words of the ſeventeenth of Deuter. "He ſhall not multiply wives, &c. "that his heart be not lifted up above his brethren," can have no other ſignification, than that they ſhould take care he did it not, or, as Joſephus ſays, hinder him if he attempt it; for the law was not given to the king who was not, but to thoſe who might make him if they thought fit. In purſuance of this law——

[The reſt of this chapter is wanting in the original manuſcript.]

THE END OF VOL. I.

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